JURISDICTION IN AMERICAN BUILDING-TRADES UNIONS

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PREFACE

This monograph had its origin in an investigation carried on by the author while a member of the Economic Seminary of the Johns Hopkins University. The chief sources of information have been the trade-union publications contained in the Johns Hopkins library. Documentary study, however, has been supplemented by personal interviews with trade-union officials and with employers of labor and by immediate study of labor conditions.

The author wishes to express his appreciation of the helpful criticism received from Professor J. H. Hollander and Professor G. E. Barnett.

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INTRODUCTION

Just as one cannot imagine the existence of a government without an area over which it exercises control, so one cannot think of a trade union without assuming at the same time that there is a territory over which it claims jurisdiction. To continue this political analogy, just as a government presupposes subjects or citizens under its dominion, so a labor organization is rendered actual and existent by members subject to its control. This membership is not made up from persons chosen at random, nor is it conferred upon all who apply, but is restricted to those engaged in a specified occupation. In the formative period of trade unions this idea of jurisdiction over persons is predominant. The union exercises control over certain men, as men; they are usually, of course, all working at the same trade or craft because a community of interest in their work is likely to draw them together, but outside of the union are many men engaged in the same work over whom the organization claims no authority. At such a stage, jurisdiction is purely personal, and the idea of trade jurisdiction has not emerged.

Gradually, however, as the association becomes more thoroughly organized, by a subtle transition this claim to control over certain persons working at a particular trade passes over into a claim to the trade itself, in which stage the union asserts jurisdiction not only over those persons within its ranks, but over all those who work at its trade.[1]

[1] The attempt of a union to enforce the closed shop, for instance, is an attempt to impose its jurisdiction beyond the bounds of the union—to take control over other than its actual members. The ground for this is found in the claim of the union to the trade.

Similarly, in the early days of trade unionism the idea of territorial jurisdiction was entirely undeveloped. The jurisdiction of the local union was merely over certain persons. In describing the development of the idea of jurisdiction among the Printers, Professor Barnett says: "In at least one of the early societies it was for a time, indeed, a question whether the jurisdiction of the union was personal or territorial. On April 21, 1810, the board of directors of the New York Society declared, in a series of resolutions, that the 'jurisdiction of the society' extended only to the city and county of New York. Any member of the society employed outside this territory was not required to obey the 'regulations of work.' The considerations which led to this decision have been controlling with the local unions organized since that time. No useful purpose could be subserved by requiring a member to obey in every place rules framed with reference to local conditions."[2]

Three forms of trade-union jurisdiction, therefore, may be distinguished: (1) territorial jurisdiction, (2) personal jurisdiction, and (3) trade jurisdiction. Since the second type, personal jurisdiction, is rudimentary or transitional, attention will be confined in the present study to territorial jurisdiction and trade jurisdiction. Where it seems necessary to speak of what appears on the surface to be personal jurisdiction, it will be dealt with under one of the other two types, into one or the other of which all problems of control over persons must ultimately be resolved. Accordingly, the first and second chapters will be devoted to determining the territory and the trades over which the unions claim control, and the following chapters will deal with the disputes arising from these claims. It will appear that one great class of disputes—dual union disputes—may arise from conflict in either of these two forms of jurisdiction claims,

[2] G. E. Barnett, "The Printers: A Study in American Trade Unionism," in American Economic Association Quarterly, third series, vol. x, no. 3.

while demarcation disputes grow only out of conflict in the latter form.

In general the term "jurisdiction" means the right to say, to dictate, and it implies the possession of authority or control. Specifically, as used by the unions, it means when applied to territory the district or country within which the union claims the exclusive right to organize and control.[3] When applied to trade, jurisdiction means the right to control the conditions of employment in a certain class of work. These ideas are obviously complementary. Trade jurisdiction implies that the authority over certain work extends within the territorial limits of the union, and territorial jurisdiction similarly carries the implication that the authority over a certain territory extends only so far as a specified class of work is concerned. This complementary relation between the two forms of jurisdiction is absolutely necessary under the present trade-union form of organization in which autonomy is preserved to each craft and unions are limited in territory. If a union should claim jurisdiction over the United States and Canada without any specification as to trade, all other unions established within that territory would be trespassing. The same condition would arise if only trade jurisdiction were claimed without any limitation as to territory. If all laboring men were to join a national industrial union, only territorial jurisdiction would need to be recorded. But since there are probably one hundred and fifty or more national unions in the United States, it is essential that each union shall enumerate clearly the district and the trades over which it claims authority.[4]

[3] A full definition of territorial jurisdiction will be found on p. 40.

[4] The term "national union" has been used in the present study as a convenient designation for the central power, or what might be called the federal authority among trade unions. To make use in each case of the title actually adopted by the union would necessitate varying the term from national union to international union, or to general union, according to the title of the association under consideration. To avoid indefiniteness and confusion, the single expression "national union" has been used throughout.

From what has thus far been said it will be seen that a definite jurisdiction is of fundamental importance to a labor organization. In fact, unionists frequently refer to their "property right" or "vested interest" in the jurisdiction claimed by their union. Just as the extent and the boundaries of private property are not explicitly stated or carefully described in an unsettled country, where each can have almost as much land as he may desire, so in the early days of each national union its jurisdiction is not well defined; but as the union increases its membership and its branches, and as the field is more thoroughly covered, it becomes necessary that the boundaries of each be defined and stated.

The building-trades unions have been chosen for this study in jurisdiction because, in the first place, the unions in the building industry form a group more or less distinct. "The men engaged in the building industry are a family within themselves."[5] In the second place, conflicts over jurisdiction are much more numerous among the unions of building workmen than among other organizations of labor. This is due partly to the fact that in the building industry the division of labor is very minute and many distinct groups are simultaneously employed on the same product, partly to the rapid changes in materials and methods, which are characteristic of the building industry, and partly because the control of the central union over its local unions is as a rule weaker than in organizations outside of the building trades. Finally, the evil effects of jurisdictional disputes are probably greater in the building trades than among any other group, for the sympathetic strike may be more advantageously employed in these trades than elsewhere, and it is because of the use of sympathetic strikes that the evils involved in jurisdictional conflicts are so widespread and costly.

[5] Pamphlet of Building Trades Council, p. 12.

CHAPTER I

Territorial Jurisdiction

From an a priori point of view it might be expected that the territorial jurisdiction of a central union would be the country in which the union is established, just as we should expect the territorial unit of the local union to be the town in which the local union is situated. This expectation is not uniformly fulfilled in either case. Obviously, a labor organization cannot extend over districts or countries in which living conditions, the standard of life, the extent of the division of labor, and the conditions of industry are widely different, for unless all these factors are, in general, similar in all parts of a union's jurisdiction, it can establish no real central control, certainly no uniformity of wages and hours of work, and only an imperfect system of collective bargaining, for all of which purposes the association exists. From these considerations it may be expected that the unit of jurisdiction will tend to be all that territory in which the conditions enumerated above are approximately the same, unless such districts are separated by physical barriers which make intercommunication a matter of considerable expense and delay. We shall, therefore, not be surprised to find that nearly all the building-trades unions are international in jurisdiction, claiming control over their trades in the United States and Canada, and many of them claiming a potential jurisdiction over the whole continent of North America. But because of the reasons given above which tend to determine jurisdiction, nearly all these unions have local branches in Canada, where industrial conditions are very similar to our own, while comparatively few have branches in Mexico and Central America. Some account of the development of the territorial jurisdiction of the more important building-trades unions will illustrate the conditions which fix the extent of jurisdiction.

The Granite Cutters' International Association of America, as its name indicates, claims exclusive jurisdiction over the United States and Canada. The number of its branches, districts, and members is limited only by the will of the association.[1] Until 1880 it was known as the Granite Cutters' International Union of the United States and British Provinces of America. In that year its name was changed to the Granite Cutters' National Union of the United States of America. From then until 1905 its territorial jurisdiction was limited to the United States, and it was actually, as well as in name, a national union.[2] Even in the period before 1880, while jurisdiction was claimed over the British Provinces as well as over the United States, it was felt that the real territory of the union was the United States, while the territory in Canada was a mere appendage. Thus, the constitution of 1877 provided for the shifting of the central office or seat of government from one State to another, but did not permit it to be moved outside of the United States.[3]

During recent years the continent of North America has come to be considered the territory over which the association has control.[4] The manner in which this extension has come about was suggested by Secretary Duncan when, at the thirtieth anniversary of the founding of the association, in commenting on its growth, he said that the original plan was that the organization should extend only over New England; when, however, granite cutters employed in Granite, Virginia, and in New York asked for charters, their requests were granted, and thus began the extension of jurisdiction.[5] In 1882, just two years after the territory of the national union had been limited to the United States, there was published in the organ of the union a letter from the granite cutters of Toronto, Canada, in which they

[1] Constitution, 1909, sec. 1.
[2] Constitution, 1880, art. i.
[3] Constitution, 1877, art. ii.
[4] Granite Cutters' Journal, March, 1907, p. 2.
[5] Ibid.

said that they had seventy men at work, and desired the national union to extend its jurisdiction to take them in, so that they might exchange cards and pass back and forth freely without being compelled to pay two initiation fees.[6] This extension of jurisdiction was not made, however, and in 1903 Secretary Duncan said: "A visit to Toronto and correspondence with Hamilton, Montreal, St. Johns, Victoria and Vancouver indicate that the time is ripe for our union to consider again the propriety of changing our title from national to international. In each of the places named, the active members of the granite cutters' unions are members of our union . . . who are trying to make conditions such that if they had a charter from our union they would not handicap their sister branches on this side of the line."[7] The award of a large granite contract in Vancouver brought about the establishment of a branch there in 1905, which the Granite Cutters' Journal said was expected to be permanent.[8] About the same time the committee on the revision of the constitution suggested that the title be again changed to "international," in order to take the whole territory of North America under its jurisdiction, and this was done.[9]

A similar extension of its territorial jurisdiction may be traced in the history of the Bricklayers' and Masons' International Union of America. Organized by the union of a few independent local associations in 1865, it was known at first as the International Union of Bricklayers of the United States of North America. This contradictory title was corrected in 1868, and the union then became the Bricklayers' National Union of the United States of America. In his report to the convention of 1873 the secretary said that when the bricklayers of Ottawa, Canada, applied for a charter it was granted by the president and himself because they felt that national boundaries should not prevent the affiliation of laboring men who lived so near each other

[6] Granite Cutters' Journal, October, 1882, p. 4.
[7] Ibid., May, 1903, p. 4.
[8] Ibid., November, 1905, p. 2.
[9] Ibid., February, 1905, p. 2; Constitution, 1905.

and worked under almost the same conditions, although there was no power given them by the constitution to do this and the territory of the union was limited to the United States. The president recommended a change of name to "international union,"[10] but this suggestion was not adopted until 1883. Local unions were, however, chartered only in the United States and Canada for many years. In 1904 the secretary of the American Federation of Labor advised the Bricklayers that since they had waived jurisdiction over the bricklayers of Porto Rico, the American Federation of Labor would grant charters directly, to be valid until such time as the International Union might wish to assert control.[11] The following year this control was asserted by the Bricklayers upon Secretary Dobson's recommendation to the convention that these local unions in Porto Rico be chartered, and an application from Honolulu for a charter was also granted.[12]

An examination of the territorial jurisdiction of the International Association of Steam Fitters involves also a study of the jurisdiction of the United Association of Plumbers, for jurisdiction implies the exclusive right to organize and affiliate local unions within a given territory, and each of these organizations disputes the claim of the other in this fundamental particular. The Plumbers and the Steam Fitters both claim jurisdiction over the same territory and, to a certain extent, over the same trade. If each controlled the same territory and different trades, or the same trades in different territories, there would be no dispute between them, but the American Federation of Labor has paradoxically recognized at various times each of these associations as having jurisdiction in the same line of work in the same territory.

When in 1898 the Steam and Hot Water Fitters applied for membership in the American Federation of Labor, the

[10] Proceedings, 1873, p. 9.
[11] Proceedings, 1904, p. 126.
[12] Proceedings, 1905, p. 26.

application was opposed by the Plumbers, who were already members of the Federation, on the ground that their union had been given jurisdiction over the territory and the trade claimed by the Steam Fitters and that they had steam fitters as members of their association. A committee was appointed to consider the matter, and it recommended that the charter be granted to the Steam Fitters with the proviso that the Plumbers' Association be allowed to keep such steam-fitter members as it already had under its jurisdiction and to admit others to its local unions in towns where they were not sufficiently numerous to form branches under the Steam Fitters.[13] This was, in effect, limiting the territorial jurisdiction of each union by that of the other so far as the steam-fitting trade was concerned, and it was to be expected that difficulties would arise, since jurisdiction, to be effective, involves exclusive control.

At each convention of the American Federation of Labor efforts were made, on the one hand by the Plumbers to have the provisional charter which had been granted to the Steam Fitters revoked, and on the other hand by the latter to have their provisional charter made unconditional. The problem was referred by successive conventions to special committees and by these back again to the conventions. In 1905 the provisional charter, which had been suspended, was restored to the Steam Fitters, and in the following year an attempt to revoke this charter failed in the convention.[14] In 1910 the executive board of the Building Trades Department of the Federation set aside the decision of 1905 and referred the whole matter to the Federation convention. In the convention of 1911 the charter was recalled, and the Steam Fitters were refused membership in the Federation and were ordered to amalgamate with the Plumbers. This they have refused to do, and they now maintain an independent existence, claiming international jurisdiction with local unions in the United States and Canada. The

[13] The Steam Fitter, March, 1903, p. 5.

[14] Ibid., December, 1906, p. 1.

United Association of Plumbers also claims jurisdiction over the United States and Canada.[15]

The International Hod Carriers and Building Laborers' Union of America is, as its title indicates, international in jurisdiction. In its early years it claimed jurisdiction over all unskilled laborers in the building trades in the United States and Canada, regardless of sex, color, or nationality.[16] This territory was extended by the constitution of 1907, which declared that the International Union grants charters to local unions throughout America.[17]

The International Slate and Tile Roofers' Union of America, according to its title, embraces all America in its territorial jurisdiction.[18] The requirement that "every member of the International shall declare his intention to become an American citizen," as found in the constitution for 1906,[19] seems to limit its territory to the United States, though in fact it has one or more branches in Canada. The Composition Roofers' Union also claims international territorial jurisdiction.[20] The Wood, Wire and Metal Lathers' International Union claims control of the territory included in the United States and Canada, and this is subdivided for organization purposes into five districts—northern, eastern, southern, western, and Canadian.[21]

The Sheet Metal Workers' International Alliance was organized in 1888, with branches in Omaha, Peoria, Toledo,

[15] Constitutions, 1897–1906. During the fall of 1913, after the above had been written, the Plumbers' Union announced that, in compliance with the order of the Federation, the Steam Fitters' Union had amalgamated with the Plumbers. While admitting that some of their local unions have gone over to the Plumbers, the Steam Fitters insist that their association is still maintaining a separate existence with about twenty-five local branches enrolled.

[16] Constitution, Laborers' International Protective Union, art. ii, sec. 1.

[17] Constitution, 1907, art. i, sec. 49.

[18] Constitution, Chicago (n. d.), arts. i, ii.

[19] Constitution, 1906, By-laws, art. iii, sec. 3.

[20] Constitution, 1906, art. ii.

[21] Constitution, 1902, art. viii, sec. 1.

Memphis, Kansas City, and one or two other cities;[22] but the territory over which the union has jurisdiction has extended so far that in 1903 President Gompers could write[23] that "the American Federation of Labor declares in the strongest terms that all work in North America . . . under the heading of sheet metal work . . . comes under the jurisdiction of the Amalgamated Sheet Metal Workers' International Association."

The Journeymen Stone Cutters' Association of North America illustrates in an interesting manner the extension of territorial jurisdiction on the part of national trade unions. Its constitution of 1854 provided for jurisdiction only over the District of Columbia, but by 1859 we find branches in Philadelphia, Cleveland, Hamilton (Ontario), Cincinnati, Baltimore, Albany, Detroit, St. Louis, and Buffalo.[24] These branches covered a wide area, and already in 1858 jurisdiction was claimed over the United States and Canada.[25] A further extension was indicated in 1891. At this time some members of the San Francisco branch went to Guatemala to work; when they tried afterwards to obtain clear cards from San Francisco, that local union attempted to charge them a foreign initiation fee. The executive board of the national union denied their right to do this, saying that "Guatemala is in North America, and this is in the jurisdiction of the General Union."[26]

It will be seen from the preceding description of the extent of territorial jurisdiction that the field of nearly all so-called national unions has gradually been extended beyond the national boundaries. That is, starting as organizations which claim jurisdiction only in the United States, the unions have very early established local branches in Canada, and then later in Central America, Porto Rico, the Hawaiian Islands, and other adjacent areas. In 1911 six-

[22] Amalgamated Sheet Metal Workers' Journal, July, 1905, p. 241.
[23] Ibid., August, 1903, p. 189.
[24] Stone Cutters' Journal, April, 1896, p. 2.
[25] Stone Cutters' Circular, June, 1858.
[26] Ibid., Supplement, November, 1891, p. 2.

teen of the national building-trades unions out of a total of twenty-three had local unions in Canada, with a membership of thirty thousand—about one twentieth of their total membership.[27] The foreign membership in districts other than Canada is much smaller than this.

We must now consider more carefully what is implied when it is said that a national or central union has jurisdiction over a certain territory. There are two implications here: (1) that the union has the exclusive right to charter and affiliate local unions within this territory; and (2) that, besides having indirect control over its members through its control over its local unions, the national union has direct authority over them when they are outside of the jurisdiction of any of the branches and are yet within the territory of the national union.

All national unions have been created by the amalgamation or federation of independent local unions, but after a central organization has been effected the process is reversed, and local unions are then organized and chartered by the national union. The whole matter of affiliating local unions is in the hands of the national union, and it may revoke as well as grant charters.

The constitution of the United Association of Plumbers asserts the authority of the organization to make, amend, or repeal general laws and regulations, to decide finally all controversies arising within its jurisdiction, and to issue all charters to local unions. The rules of the Stone Cutters provide that seven members may form a local branch, and where seven are working together and holding cards of the national union they must organize a branch. Where there is no branch in existence, the first member who goes to work on the job must notify the central office, giving the names of all stone cutters in the town.[28] When trouble arose in 1891 between the independent stone cutters' union

[27] Report on Labor Organization in Canada, 1911, published in 1912 by the Department of Labor, Ottawa, p. 10.

[28] Constitution, 1900, art. ix.

in Pittsburgh and the Uniontown branch of the national union over the question of establishing this local branch within the territory claimed by the Pittsburgh union, the national union asserted its right to organize branches anywhere within its jurisdiction, and denied the right of the Pittsburgh union to charter other local unions.[29]

The claim to the exclusive right to organize local unions within its territorial jurisdiction is illustrated by certain rules of the Granite Cutters. When members of that union secure work from an employer who has not previously maintained a union shop or in a locality in which no local union exists, they apply to the national secretary for a commission as shop steward for one of their number. The district or shop is then under his supervision as the representative of the national union. When a sufficient number of members is secured, a branch is formed and a charter is issued by the national union.[30] Sometimes a job employing a number of union granite cutters is located in a place where there is no union and where there will not be work for granite cutters except for a short time. On such occasions a shop steward is appointed for the job, and he is the direct representative of the national union.[31] Besides being the sole authority in granting charters, the national union has power to revoke them if the local union is delinquent in paying its dues or violates other national rules.[32] When a forfeiture of charter occurs, all the books and property of the branch revert to the national union.[33]

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[29] Stone Cutters' Circular, January, 1891, p. 1.

[30] Granite Cutters' Journal, September, 1902, p. 4.

[31] Ibid., August, 1902, p. 4. The progression of a locality or of a non-union shop from an unorganized section of the jurisdiction of the national union to a definite and permanent part of the national union is shown in the following comment in the Journal by the secretary: "The Lebanon, N. H., job bids fair to be a permanent feature of that town, for the National Union Shop Steward District has developed into a branch, and a charter has been issued accordingly" (ibid., November, 1902, p. 4).

[32] Constitution, 1897, sec. 201.

[33] Constitution, 1877, art. xxxiv.

The second phase of national territorial jurisdiction, that is to say, direct control over members in districts where no local unions exist, is developed chiefly through the recognition of members-at-large and by direct initiation into the national union. Primarily, national unions have jurisdiction over persons only indirectly; they have control over their local unions, and these in turn have direct jurisdiction over members. The national unions had originally no members except the persons who had been elected by the local unions as delegates to the national conventions.[34] The gradual development of the idea that the individual workman is a member of the national union has profoundly influenced the concept of national territorial jurisdiction. The national union is the only federated form of labor organization in the United States in which the members are the individual workmen. In the city federations, for instance, the members are only those persons who have been chosen as delegates by their respective unions.

In the convention of the Bricklayers in 1904 the matter of direct control over members in unorganized territory was discussed, and it was said that very often a local union suffers by reason of the competition of fellow-craftsmen in adjacent places in which there are not enough workmen to establish a subordinate union. The executive board was therefore authorized to initiate such men directly into the national union and to enroll them as members of the nearest local union.[35] The Hod Carriers also provide for membership-at-large under certain conditions. If a local union surrenders its charter, such of its members as wish to remain in good standing may get cards from the national secretary and may pay dues directly to the national office; if, however, they are working within ten miles of another local

[34] The Hod Carriers and Building Laborers, even as late as 1911, regarded the International Union as composed only of the members of the branches who have been chosen as delegates to the national convention (Constitution, 1911, sec. 9, p. 9).

[35] The Bricklayer and Mason, March, 1904, p. 2; see also Proceedings, 1904, p. 161.

union, they must deposit their cards and work under its jurisdiction.[36] The constitution of the Slate and Tile Roofers declares that "any slate and tile roofer located in any locality where the requisite five men for the formation of a local union cannot be found, shall be eligible to a direct affiliation with this association."[37] The rules of the Sheet Metal Workers provide for membership-at-large "in localities where there is no local union, or where the jurisdiction of the nearest local union does not extend, or where there is one and not more than six sheet metal workers."[38]

Direct national jurisdiction over members appears in various forms in the Stone Cutters' Association. All members, even those at work outside of the jurisdiction of a local branch, must pay dues to the national union.[39] It has also been decided that in an election for officers of the national union a member who has a clear travelling card is entitled to a vote,[40] whether he is a member of the branch in whose jurisdiction he is working or not. Various methods of extension of direct control over members have been agitated. In 1897 a member of the executive board submitted to referendum a proposition to make a national rule covering all members at work in towns not in the jurisdiction of any branch;[41] a little later the suggestion was made that state conventions should be held which should make a scale of wages and hours to prevail all over the State, so that when a member of the union should work at any place in the State, whether in a branch or not, he would be compelled to work at the state scale.[42]

Another aspect of the problem of territorial jurisdiction which has given rise to innumerable union regulations and many controversies is the territorial jurisdiction of the local

[36] Interview, General Secretary Persion, August 21, 1911.
[37] Constitution, 1906, art. v, secs. 1, 2.
[38] Constitution, 1909, art. vii, sec. 3.
[39] Stone Cutters' Circular, April, 1892, p. 4.
[40] Stone Cutters' Journal, April, 1894, p. 12.
[41] Ibid., June, 1897, p. 13.
[42] Ibid., March, 1899, p. 12.

union. In any labor union effective organization requires that provision be made to facilitate the transfer or circulation of its members. This applies with special force to many of the workmen in building trades, such as lathers, plasterers, structural iron workers, sheet metal workers, painters, and stone workers, who either move about from place to place to seek work or are employed by builders who take contracts in various places and carry their workmen with them.[43] Therefore, since members of different local unions are continually moving in and out of other branches, there must be a definite understanding as to how far the authority of each local union extends with respect to its neighbors, and how far with respect to the national union. We shall accordingly examine the extent of local jurisdiction in various unions, and then inquire as to the relationship between national and local jurisdiction.

What has been said with regard to the exclusive character of the jurisdiction of a national union applies with equal force, in a more limited sphere, to local union jurisdiction. When a local union of a particular trade claims control over certain territory, it is implied that it has the sole right to organize and to affiliate all persons practicing that trade within the special district.[44] Local territorial jurisdiction tends to expand, just as national jurisdiction tends to expand. This results from two causes: First, local unions, like all other organizations, tend to enlarge their sphere of influence; secondly, the expansion of the territory of a local union is frequently necessary in order that it may exercise jurisdiction over persons and work which by reason

[43] A member of the branch of the Granite Cutters' Union at Salem, Massachusetts, suggested that a stone cutter ought to have his home on wheels, since ordinarily he cannot have work for more than three months at any one place (Granite Cutters' Journal, September, 1888, p. 7).

[44] When more than one branch of the same national union is established in the same territory, either a division is made as to the trades or crafts controlled, or they jointly exercise jurisdiction over the locality.

of their proximity act deterrently upon the efforts of the local union to improve the conditions of employment.[45]

The extent of local territorial jurisdiction may be conveniently discussed by a consideration of four groups of cases: (1) those in which the territory is definite and fixed; (2) those in which the extent is determined by circumstances; (3) those in which only one local union is permitted in a town; (4) those in which more than one branch may be established in the same territory.

(1) The attempt to fix definite limits to local jurisdiction takes in some unions the form of confining jurisdiction to the limits of the town or city in which the local union is established; in others a radius of a certain number of miles is assigned, and in still others the territory of each branch extends halfway to the surrounding branches. As will be seen, practice is by no means uniform even in the same union, for a national union may fix the territorial jurisdiction of certain local unions definitely by any one of these methods, while for others it may not establish definite limits, leaving the extent of jurisdiction to be determined merely by convenience or expediency.

The Slate and Tile Roofers provide as follows: "Each local branch shall have territorial jurisdiction over one-half the distance between itself and the next adjoining local union."[46] The constitution of the Wood, Wire and Metal Lathers contains a similar provision,[47] but in order to bring back into the national union a large number of seceding local unions in New York City, the convention decided in 1907 to give to one local union exclusive jurisdiction over metal lathing for a radius of twenty-five miles about New York, and to have the other local unions amalgamate with it.[48] A third method of establishing local

[45] The local branch of the Bricklayers at Allentown advised the general office that it had extended its jurisdiction twenty miles to include territory in which bricklayers frequently worked below the Allentown scale (The Bricklayer and Mason, September, 1900, p. 8).

[46] Constitution, 1906, By-laws, art. ii, sec. 11.

[47] Constitution, 1911, art. i, sec. 4.

[48] Proceedings, 1907, p. 9.

boundaries was tried in this union when a number of unions formed the Mississippi Valley District Council.[49] This council then laid down the jurisdiction of each affiliated branch in the hope that this action would put an end to the frequent territorial disputes between the branches.

The Stone Cutters seek to set definite limits to local jurisdiction by registering the number of miles of radius which each union controls. The constitution of 1892 requires that "any union, on becoming a part of this association, shall define the limits of its jurisdiction, but in no case shall said jurisdiction exceed a radius of twenty-five miles."[50] During the following year the executive board agreed to grant charters to several new branches, but said that these would not be issued until the branches had announced their territorial jurisdiction.[51] Despite the constitutional pronouncement, many branches have been granted jurisdiction over a wider range than twenty-five miles. Many, of course, have been granted a smaller territory. Rockland, Ontario, for example, was granted a charter with jurisdiction over a radius of ten miles;[52] Albany asked for only six miles;[53] Springfield, Massachusetts, was given ten miles;[54] Seattle, Washington, was granted an extension to the twenty-five-mile radius;[55] Ottawa asked for only ten miles although the nearest local union was three hundred miles distant.[56] On the other hand, Norman, Ontario, applied for a charter giving control over a town one hundred and fifty miles away;[57] Portland, Oregon, was allowed to extend its jurisdiction to one hundred miles;[58] and the San Francisco

[49] The Lather, April, 1906, p. 34.
[50] Constitution, 1892, By-laws, art. xii.
[51] Stone Cutters' Journal, June, 1893, p. 13.
[52] Ibid., March, 1894, p. 8.
[53] Ibid., August, 1893, p. 14.
[54] Ibid., April, 1884, p. 10.
[55] Ibid., June, 1893, p. 13.
[56] Ibid., February, 1893, p. 13.
[57] Ibid., May, 1894, p. 13.
[58] Ibid., November, 1904, p. 3.

branch claimed control over Sacramento, one hundred and thirty-nine miles away.[59]

(2) Where the fixed rule for determining local territory is not adhered to, we have in effect the situation which we shall illustrate by our second class of cases, that is, those in which jurisdiction is not determined by a definite rule, but by circumstances and expediency. This seems to be the practice of the Hod Carriers and Building Laborers, for their constitution declares that the territory of each local union shall be that assigned by the national union.[60] Thus, during 1907 a member of the executive board was appointed to divide satisfactorily the territory between the Port Chester and the Mamaroneck local unions.[61]

The Bricklayers' plan of dealing with local jurisdiction is essentially of this nature. Each branch has the right to define its local jurisdiction, the only requirement being that a description of such territory shall be filed with the secretary of the national union, to be entered on his records.[62] In case of conflict or of application for the establishment of a new union, the executive board can alter the territorial jurisdiction of any local union. Because it seemed expedient at the time, the executive board granted permission to the four unions located in the Wyoming Valley to extend their jurisdiction, reserving, however, the right to establish other local unions within these lines at any time that it might be thought desirable.[63] It has been the policy of the union to encourage the local unions to assume a wide jurisdiction, but not to allow this to interfere with the establishment of new unions. In a resolution adopted at the convention of 1884, branches were instructed to extend their jurisdiction as far as might be necessary for their proper protection.[64] When a local union in Wellsville,

[59] Stone Cutters' Circular, January, 1892, p. 2.

[60] Constitution for Local Unions, 1903, art. i, sec. 2.

[61] Official Journal [Hod Carriers and Building Laborers], November, 1907, p. 32.

[62] Constitution, 1897, art. xvi, sec. 1.

[63] Reports of Officers, December, 1901, p. 25 ff.

[64] Proceedings, 1884, p. 16.

New York, applied for a charter, the application was opposed by the Olean branch, forty miles distant, which claimed jurisdiction. The charter was granted by the executive board because they regarded the distance as too great to permit of proper control by the local union at Olean.[65]

In one of his reports for 1906 Secretary Dobson called attention to the constitutional requirement that each branch must specify its territorial jurisdiction in writing at the office of the national secretary. He said that out of nine hundred unions only about two hundred had complied with this law, and that as a result there was constant friction. When new local unions sought a charter in the vicinity of existing unions, the old unions claimed that the town was in their jurisdiction, despite the fact that in most cases where a claim was filed it was only for the city or town in which the branch was located.[66]

As the following examples will show, there is no uniformity in the territorial jurisdiction claimed by local bricklayers' unions. In 1891 the branch at Peoria, Illinois, said that its territory extended for a mile outside of the city limits;[67] the stone masons' union in Washington, Pennsylvania, in the same year claimed control over the entire county;[68] the local union at Hancock, Michigan, announced in 1901 that its jurisdiction covered an area six miles square;[69] and the union in Peterboro, Ontario, described its territory in 1903 as measured by a twenty-mile radius.[70] A case appealed to the convention of 1891 shows the strictness with which local unions seek to draw their lines of jurisdiction when their interests appear to be threatened. The interests involved in this particular case were the initiation fees and the branch dues. A railroad tunnel was

[65] Reports of Officers, December, 1905, p. 75.
[66] Semi-Annual Report of the Secretary, June, 1906, p. 8.
[67] Proceedings, 1891, p. 75.
[68] Proceedings, 1891, p. 74.
[69] The Bricklayer and Mason, December, 1901, p. 9.
[70] Report of the President, 1903, p. 327.

being built, two hundred and sixty-seven feet of which were in the jurisdiction of one local union and four hundred and twenty-three feet in the territory of another union. The secretary of one local union claimed that the boundary line followed the same course under the earth as above it, and asked payment from the other union to the amount of the initiation fees and dues collected from those members who worked in the tunnel beyond the line of jurisdiction, besides payment for the cost and time of having a survey made to determine the line.[71]

In the Sheet Metal Workers' Union, branches are enabled to extend their jurisdiction wherever it seems necessary by installing preceptories. It is provided in the constitution that in towns where no local union exists the way may be paved for unionism by establishing preceptories, such preceptories being under the control of the nearest local union, and being usually organized by the nearest one.[72] Members of these preceptories have almost the same status as members of the union, and a local union may have a number of preceptories attached to it.

As has been noted above, the Stone Cutters do not adhere closely to their nominal limit of twenty-five miles for local jurisdiction. A member of the Stone Cutters, who was working in Texas, suggested in 1894 that the entire State be divided among the three branches then in existence—Dallas, Fort Worth, and San Antonio—in order that all the small towns in the State might be under the jurisdiction of one of these local associations.[73] Expediency, and not the twenty-five-mile limit, determines the extent of local jurisdiction of stone cutters' local unions in the Western States, where the distances are so great and the local unions so few that it is necessary for the branches to assume jurisdiction over a wide territory in order to protect the trade.[74] With this idea in view, a member of the

[71] Proceedings, 1891, p. 70.
[72] Constitution, 1896, art. vii, sec. 1.
[73] Stone Cutters' Journal, May, 1894, p. 6.
[74] Interview, Secretary McHugh, June 17, 1911.

executive board recommended that the territorial jurisdiction of a local union be left in its own hands, because it is the best judge of its own needs.[75]

(3) Nearly all the building-trades unions have a rule that when one local union has been established in a district no other can be organized there without the consent of the first, but, consent being given, most of them allow more than one branch in a town. There are certain unions, however, which do not permit the establishment of more than one local union in a community. In the earlier history of the Lathers the executive board decided against issuing two charters for local branches in the same city, since they thought it might lead to petty quarrels over jurisdiction.[76] In their more recent regulations, while still retaining the general prohibition of the organization of any local union within the territory of one already established, the proviso is added that if in the judgment of the executive board conditions warrant such action, a new local union may be chartered.[77]

The Granite Cutters do not permit more than one local union in any one branch of the trade to be established in a city. There may be one branch composed exclusively of granite cutters and one branch composed of blue-stone cutters, or there may be a single branch of granite cutters and the other divisions of the trade.[78] The Kings County branch, which was formed in 1891 by the consolidation of the Cypress Hills and Brooklyn local unions, was a result of the conviction that it would be more satisfactory to have only one local union in a city.[79]

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[75] Stone Cutters' Journal, Supplement, February, 1900, p. 11. The Granite Cutters do not fix any limit to the territory over which the jurisdiction of a branch may extend. The New York local union stated that its jurisdiction covered an area greater than that of any two other branches in the association (Granite Cutters' Journal, March, 1906, p. 7).

[76] The Lather, May, 1902, p. 4.

[77] Constitution, 1907, art. viii, sec. 16.

[78] Constitution, 1909, sec. 44.

[79] Granite Cutters' Journal, August, 1891, p. 4.

(4) As has been said, most of the national unions allow more than one local union in a locality. The United Brotherhood of Carpenters permits any number of local unions to be organized as long as no reasonable objections are offered by the local unions already in existence. When there are more than two local unions in a town they must form a district council,[80] through which unity of action is effected. The Sheet Metal Workers allow a local union to be established for each branch of the trade in cities of two hundred and fifty thousand or more inhabitants, provided no objection is made by the local unions already in the field.[81]

The Hod Carriers allow more than one local union in the same territory, and the constitution for 1905 declared that "whenever two or more local unions exist in one city or adjoining cities within ten miles an application must be made to the General Secretary-Treasurer for a charter for a district council, which shall have jurisdiction as to all matters of common interest to the unions in the council."[82] Sometimes, when more than one branch of this union exists in a city, they are distinguished by the kind of work done. Thus Minneapolis had a branch of plasterers' laborers and one of bricklayers' laborers.[83] Again, the division is sometimes made on the basis of nationality, though the president in his report to the convention in 1904 said that he had refused a charter to a laborers' union in Omaha, Nebraska, composed exclusively of members of one nationality, because he thought it bad policy to have unions of this character.[84] On another occasion, however, the executive board decided that in Utica all Italian members of the union must belong to Local Union No. 135, while other members must

[80] Constitution, 1907, sec. 52 ff.

[81] Constitution, 1897, art. iii, sec. 3.

[82] Constitution, 1905, art. ix, sec. 1.

[83] Report of Executive Board, in Official Journal [Hod Carriers and Building Laborers], February, 1906, p. 81.

[84] Proceedings, 1904, p. 15.

enroll in Local Union No. 82, no Italians being permitted to join the latter.[85]

The Bricklayers have uniformly refused to allow local unions to be divided on the basis of nationality. At one time the Italian members of the various branches in New York sought a separate charter for an Italian local union,[86] and at another time the German bricklayers in New York asked for a charter for a German branch,[87] but both requests were refused. The union, however, permits more than one local branch to exist in the same territory, but these must form a local executive committee which has charge of working conditions in the locality.[88] If the unions cannot agree, the national union reserves the right to consolidate all the branches.[89] Thus, some years ago, because of unsatisfactory conditions due to the existence of a number of subordinate unions in the same territory, the executive board ordered the surrender of all the charters in New York, and then apportioned the territory, granting charters to one union in Manhattan, one in the Bronx, and four in Brooklyn and Long Island.[90] That there is a strong probability of friction when there are two or more local unions within the limits of the same city has been shown repeatedly.[91] The branches may not agree as to wages, hours, and working rules; they may attempt to fine or otherwise discipline members of the other branches; they may have trouble over the exchange of cards; the district committee appointed by all the unions may not be able to determine matters satisfactorily to all the unions; or, finally, the two-thirds vote ordinarily required in cases of disputes with employers may not be obtained. The result may be a constant struggle for

[85] Report of Executive Board, in Official Journal [Hod Carriers and Building Laborers], November, 1907, p. 98.

[86] Proceedings, 1904, p. 140.

[87] The Bricklayer and Mason, December, 1910, p. 1.

[88] Constitution, 1887, art. xii, sec. 8.

[89] Constitution, 1906, art. xix, sec. 3.

[90] The Bricklayer and Mason, December, 1910, p. 1.

[91] Proceedings, 1885, p. 53.

supremacy and much ill-feeling between the large and the small local unions. Some of the branches of the Bricklayers in New York have frequently petitioned the convention to consolidate all the branches into a single local union.[92]

We have seen that a national union regards its control over territory within its jurisdiction as exclusive. In the same way each local union or, where there is more than one local union in a territory, each district council claims exclusive authority as against all other local unions over the territory within its jurisdiction. The Plumbers declare that any local branch of the association on strike is empowered to reject all travelling cards of members of the organization who may wish to work in its jurisdiction.[93] All the unions provide, like the Hod Carriers, that "any member locating in the jurisdiction of a sister branch shall be governed by the rules of that local union."[94] That a local branch is regarded as having, as it were, a vested interest in its territory is shown by a provision in the Bricklayers' constitution which declares that if a member of one branch works in the jurisdiction of another branch when the latter is on strike, he shall be fined by his own branch and the money thus collected shall be turned over to the injured local union.[95]

The Composition Roofers prohibit any of their local unions from making agreements with any associations or parties to cover the territory of another branch union.[96] The practice of the Wood, Wire and Metal Lathers well illustrates the exclusive character of local territorial jurisdiction. If a member joins a local union in one town and, after paying only a part of his initiation fee, goes into the jurisdiction of another local union, he must pay the balance

[92] Proceedings, 1904, p. 124.
[93] Constitution, 1910, sec. 177.
[94] Constitution, 1909, sec. 89.
[95] Constitution, 1882, art. xiv, sec. 7.
[96] Constitution, 1906, art. xviii, sec. 7.

of his initiation fee to the latter union, which retains it. The union which he joined originally is no longer regarded as having any authority over him.[97]

A branch of the Stone Cutters is held responsible within its territory for any violations of the rules of the national union. Thus a charge was brought against the Nashville branch because some of its members violated the national rule in regard to piece work.[98] In one of their earliest constitutions the Granite Cutters provided against any interference with the authority of local unions over their members in the following rule: "When any branch imposes a fine or penalty on one of its members for violation of local or general laws, no other branch shall have a right to alter or mitigate such decision."[99] In Newark a member of the union was fined twenty-five dollars for introducing a Quincy bill of prices into a yard, for this bill was lower than the local one, and the Newark local union had exclusive jurisdiction over work and wages in that territory.[100]

Some of the national unions have hundreds of local unions scattered throughout the United States and Canada. In some cases, as has been noted, their territorial jurisdiction is fixed by definite rule, in others by expediency. In some cases a number of branches are located within a fixed territory, in others only one. Under these circumstances many perplexing problems arise in the relationship between local unions. The formation of district councils or central committees in cities or closely adjoining districts having more than two local unions has in a great measure reduced

[97] Constitution, 1903, art. ix, sec. 4.

[98] Stone Cutters' Journal, January, 1895, p. 11.

[99] Constitution, 1877, art. xxxv. The secretary of the Kings County branch of the Granite Cutters said: "Our policy in the future, as in the past, will be non-intervention in the local affairs of other branches; what we concede to others we demand for ourselves. Any member coming here to work will have to deposit his card with this branch, not as it has been in the past with some, leave it with a neighboring branch" (Granite Cutters' Journal, August, 1891, p. 4).

[100] Granite Cutters' Journal, December, 1882, p. 5.

friction in such cases. In order to get the local unions into the district councils, the convention of 1904 of the United Brotherhood of Carpenters authorized its president to compel the affiliation of local unions with the district council under which he thinks they ought to be.[101] The Plumbers provide for the creation of state and interstate associations when desired by the local branches concerned, and these associations try to settle controversies arising between their affiliated local unions.[102]

The Bricklayers have had a number of conflicts between their local unions, since they frequently have in the same community branches whose members do either bricklaying, stonemasonry, or plastering exclusively. It has been the practice to let each branch regulate conditions in its own line of work. Frequently the masons have complained that the bricklayers of their own national union not only do not help them to enforce their rules, but even work on jobs on which the stone work is being done by non-union stonemasons.[103] Such a charge, for instance, was made by Local Union No. 30 of the stonemasons in New York. The executive board of the national union in conference with the subcontractors on the New York Rapid Transit Tunnel drew up a working agreement which settled disputes that had existed for almost a year between the bricklaying and stonemasonry branches.[104]

Another form of dispute arises from controversy over the right to collect dues from members of local unions who are temporarily working in another jurisdiction. In the convention of 1889 the Cohoes branch of the Bricklayers filed a protest against the Troy local union because members of the latter continually trespassed upon the territory of the former and refused to deposit working cards or pay dues to the Cohoes union.[105] An unusual arrangement was made

[101] The Carpenter, March, 1905, p. 10.
[102] Constitution, 1897, art. ix.
[103] Proceedings, 1902, p. 79.
[104] The Bricklayer and Mason, February, 1902, p. 3.
[105] Proceedings, 1889, p. 38.

by the Baltimore and Washington local unions of the Slate and Tile Roofers. The employers in these two cities often take their men from the one city to the other when they have a contract, and the men did not wish to be continually transferring their membership from one local union to the other. Hence it was agreed that the territory of the two local unions should be common to both,[106] but this arrangement did not work satisfactorily and was discontinued. As a result of frequent disputes caused by members of the New York local unions of the Composition Roofers working in the territory of the Newark local union without transfer cards, it was decided at a recent convention[107] that any member working in the jurisdiction of another union without a transfer card should be fined, and such fine be given to the injured local branch.

Like all the other building-trades unions, the Sheet Metal Workers require that when a member of one local union wishes to go to work in the territory of another he must get a travelling card from his local branch and deposit it with the branch in whose jurisdiction he is to work.[108] Recently the general organizer said in his report that he found a good deal of dissatisfaction among the sheet metal workers in Jersey City because the New York branch was overrunning their territory.[109] The same organizer was also called upon to adjust a conflict between the local unions in Norfolk and Newport News over the question as to which should have jurisdiction over the work on the Jamestown Exposition grounds, midway between the two towns.[110]

The Stone Cutters have had many controversies between the branches because contractors made a practice of having the stone cut by the local unions which had the lower wage

[106] Proceedings, 1904, pp. 10, 11.

[107] MS. Proceedings of Fifth Annual Convention of International Brotherhood of Composition Roofers, 1911.

[108] Constitution, 1901, art. xi, sec. 1.

[109] Amalgamated Sheet Metal Workers' Journal, October, 1909, p. 410.

[110] Ibid., April, 1907, p. 126.

scale and then shipping the finished product wherever they wished to use it. A general rule was enacted by the union forbidding the transportation of cut stone from one place to another, unless wages and hours in the two places were equal.[111] Where two local unions are close together and their wage scales are very different, conflict often arises between them because the branch with the higher wage has difficulty in maintaining its scale. Thus, the executive board of the Stone Cutters threatened to revoke the charter of the local union at Nelson, Georgia, unless it should adopt the same scale and working rules as were in force at Tate, Georgia.[112]

As has been said before, the national unions grew out of a combination of a few local unions. Once formed, the national union rapidly gains supremacy, and with this tendency toward centralization of power the problem of branch jurisdiction becomes less important, for matters of general interest are taken more and more under the supervision of the national body. It will therefore be interesting at this point to describe briefly the division of powers between the national union and the local union, although strictly speaking such a discussion falls under the head of government.

As a general proposition it is safe to say with respect to all the building trades, as the Hod Carriers do in their constitution of 1907,[113] that "the International Union has supreme ruling power over all local unions," and in matters which concern the general interests of the union the local unions are subordinate to the national bodies. The Bricklayers, in outlining the jurisdiction of state associations or provincial conferences, say:[114] "All differences with em-

[111] Constitution, 1900, art. xii. The secretary of one of the local branches of the Granite Cutters wrote in 1891 that the jurisdiction relations between the local unions were not satisfactory, inasmuch as employers were able to send their granite out of their own town and have it cut in the jurisdiction of a local union whose wage scale was lower (Granite Cutters' Journal, September, 1891, p. 5).

[112] Stone Cutters' Journal, December, 1892, p. 10.

[113] Constitution, 1907, art. i, sec. 9.

[114] Constitution, 1908, art. xvii, sec. 10.

ployers, 'unfairs,' appointment of deputies, grievances relating to strikes and lockouts, judicial appeals and grievances between members of unions in different states, working codes, agreements with employers and constitutions must be submitted to the International Union." In December, 1905, the Bricklayers suspended thirteen of their most powerful local branches in New York City for refusing to obey the national union rule in regard to fireproofing. A few of the branches obeyed the orders, and their charters were retained. The issue as to the supremacy of the national or the local unions was clearly marked, the New York unions claiming that the fireproofing matter was one of purely local concern, and that the national union had no right to dictate in the drawing up of their agreements or contracts.[115]

The Granite Cutters' constitution declares that "all branches shall have the power to make their local laws, providing they do not conflict with the constitution and by-laws of the national union."[116] Within a minimum and maximum limit, local unions of granite cutters have power to fix their initiation fees.[117] In their apprenticeship regulations the successive constitutions of the Granite Cutters show the widening of national jurisdiction at the expense of that of the local unions. The constitution of 1897 declares that both the number of apprentices and the term of apprenticeship shall be regulated by the branches,[118] but the constitution of 1905 fixes the maximum number that local unions may permit to learn the trade and establishes a definite term of apprenticeship.[119] While bills of prices are drawn up by each local union or state association, they must

[115] The Bricklayer and Mason, December, 1905, p. 3. One of the earliest constitutions of the Bricklayers declared that the national union was the supreme head of all the local unions, and that the by-laws of the local unions must be submitted to the president of the national union before adoption (Constitution, 1867, art. xiii, sec. 4).

[116] Constitution, 1888, art. xxix, p. 28.

[117] Constitution, 1888, secs. 1, 2.

[118] Constitution, 1897, sec. 132, p. 33.

[119] Constitution, 1905, sec. 143, p. 48.

be approved by the national union before they can become effective.[120] All the funds collected by the local unions of granite cutters must be kept in the name of the national union,[121] and the executive committee of the national union may investigate the books or the condition of any branch at any time it desires.[122] The local unions of the Granite Cutters may not strike without permission from the national union, and even after having obtained this consent, they may be ordered back to work at the discretion of the national union if its decision be supported by the votes of its members.[123] According to the constitution of 1909, branches cannot make any binding local rules unless they are first approved by the national union.[124] Finally, it has been declared that at meetings of local unions national union business must take precedence over all local business.[125]

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[120] Constitution, 1896, art. xii, sec. 2.
[121] Constitution, 1896, art. xiii, sec. 1.
[122] Constitution, 1909, sec. 7.
[123] Constitution, 1880, art. xiii.
[124] Constitution, 1909, sec. 140.
[125] Constitution, 1877, art. xxv.

CHAPTER II

Trade Jurisdiction

Trade jurisdiction has been defined as the field of labor over which a union claims exclusive control. It is the complement of territorial jurisdiction; that is to say, the trade jurisdiction of a union means that work over which the union claims authority within a given territory, and conversely territorial jurisdiction implies control of a certain extent of country with respect to specified trades or crafts. In the preceding chapter we have sought to analyze the concept of territorial jurisdiction, as used by trade unions, and to ascertain the underlying principles which determine the extent and control of the territory of a union. Here an endeavor will be made to set forth the considerations involved in the claim of a union to a trade, pointing out upon what grounds such claims are based.

This study will make no attempt to list the complete jurisdictional claims of any union, for this detailed information can readily be obtained elsewhere, and even if such claims were to be enumerated, they are changing so rapidly and continuously that by the time the catalogue of jurisdiction had been made it would be incomplete and inexact. If the purpose of this study is accomplished, certain criteria will have been obtained by which, given any piece of work, we can determine what unions may be expected to lay claim to it. As this statement intimates, several unions may assert jurisdiction over the same class of work, each, of course, usually having some justification for its claim. The result is a jurisdictional dispute. But in the present chapter the matter will not be pursued so far as that; the concern here is with the grounds upon which these claims are justified, reserving for later treatment a more detailed study of the actual controversies arising from the claims.

The essence of jurisdiction is exclusiveness. To say that

a trade or craft is controlled by several distinct organizations would be meaningless and would involve an incorrect use of the word "jurisdiction." The mere fact that labor organizations specify the work over which they claim control is evidence that such control is regarded as exclusive, for if this were not the case and the work were open indifferently to all, there would be no need to register or to specify the work which a union claimed the right to do. The "trade union" or "craft union" claims for its members the exclusive right to engage in a particular trade or group of closely allied trades. In the industrial unions, such as the Mine Workers or the Brewery Workmen, this idea of the exclusiveness of jurisdiction persists. There is simply an enlargement of the unit or field over which the exclusive authority is asserted. The Mine Workers, instead of claiming control over a trade, declare that their jurisdiction covers the whole industry of mining, and the same is true of the Brewery Workmen with regard to the brewing industry.[1]

The "closed union" rests its case upon the assumption that the union has an exclusive right to the trade, and can therefore determine under what conditions outsiders may be admitted to the work, or can exclude them entirely. The "closed shop" is the doctrine of the right to a trade pushed to the extent of claiming for members of the union the exclusive right to the work that is to be done in a shop or plant. These are both forms of pressure designed to make

[1] As illustrating the conception which unions have of the exclusiveness of jurisdiction, the following quotations are apropos: "The Building Trades Council controls the entire building industry, from the foundation to the roof, including the repairs and alterations of the same. It will tolerate no interference from any other body of miscellaneous trades or callings. . . . The Building Trades Council can not and will not divide responsibility with any central body made up of diverse trades and callings" (Preamble, Constitution, Building Trades Council, 1902). "Recognizing the justice of trade jurisdiction, we aim to guarantee to the various branches of the building industry control of such work as rightfully belongs to them, and to which they are justly entitled" (Constitution, Building Trades Department, 1909, sec. 3, p. 3).

the control of the unions over certain work more complete, and they presuppose the claim of jurisdiction over such work. The concern here, however, is not with the manifestations of the idea of jurisdiction in the form of the "closed union" or the "closed shop." These phases of the subject have been exhaustively treated by other writers.[2] We deal here only with the right of jurisdiction on the part of one trade union against another, that is, the interunion aspect of jurisdiction. It is in this sense that the term "jurisdiction" is commonly used by trade unionists.

The claim on the part of the union to exclusive authority over its trade or industry, more than any other feature of trade unionism, arouses opposition among those who are not members of labor organizations. This state of mind finds expression in such phrases as "the tyranny of labor unions;" in the criticism that "the unions take away individual liberty;" and in the objection that "they have no right to prevent or to interfere with the work of the non-unionist." This interference with individual liberty undoubtedly exists, and whether it can be defended as a matter of social justice is a question for the philosopher to determine; as a matter of union policy and looked at from the union point of view it is defended on the grounds of utility and expediency. It is not our purpose here to go into the argument at length or to attempt to justify trade unionism as opposed to individualism, but we wish to point out the grounds upon which each union claims exclusive jurisdiction over its particular trade.

The idea of exclusive control probably goes back historically to the English gilds or trade societies, each of which had a legalized monopoly of its particular craft. The modern labor organization began, as has been said in another connection, as a group of men who were for the

[2] For discussions of the "closed union" and the "closed shop," see F. E. Wolfe, "Admission to American Trade Unions," in Johns Hopkins University Studies, ser. xxx, no. 3, and F. T. Stockton, "The Closed Shop in American Trade Unions," in Johns Hopkins University Studies, ser. xxix, no. 3.

most part engaged in the same kind of work, but whose association did not claim exclusive control over such work. However, men who had devoted years of time and effort to acquiring a knowledge of a particular trade felt that they had a property right in the trade, and gradually the unions, with increase in membership and growth of power, came to feel that they represented the sum of these individual interests, and that they were entitled to full control of the craft. A corollary of this proposition was the principle that no other association would be permitted in the trade, or, in other words, that each union was to have exclusive jurisdiction.

As against individuals, the claim of exclusive jurisdiction takes the form that every person engaged in a certain trade who is not a member of the union is, from the point of view of the union, trespassing on its jurisdiction, and so far as it is within its power the union will force such individuals to join the union or leave the trade. Obviously this pressure will be little felt by non-unionists in a district or on a piece of work where the union is weaker in numbers or strategic position than are those outside the organization. Where the union is in control and its pressure is severely felt, the non-unionists are in the minority either in numbers or influence, and hence, it is argued, have no valid reason for complaint when their freedom of action is restrained, since the exercise of that freedom might jeopardize the success of the union, which represents the majority. The situation is compared to that of a city which, entirely setting aside individual rights or desires, might enforce vaccination or other prophylactic or sanitary measures for the safety of the majority. The greatest good of the greatest number is the justification offered for the claim by a union to exclusive jurisdiction over a specified trade.

This priority of right or claim against non-unionists is also asserted against members of other unions, for these are non-unionists so far as the particular trade is concerned. Indeed, the feeling is often more bitter against infringe-

ments by other union men than against those by non-unionists, and reprisal is usually more certain and severe.

But to make effective any form of restraint against encroachment requires action by a group of men. As long as men worked as individuals they could do little, and, having merely their individual interests to consider, they would be inclined to try to do little to prevent workmen in another trade from trespassing upon what they regarded as their particular work. With the growth of unionism in a craft and the development of a common interest there comes not only the feeling that the union is charged with the task of protecting the interests of its individual members, but also the power in many cases to do so. This is one of the reasons why jurisdictional disputes tend to increase, one might say, in geometrical progression with the increase in the number and strength of the unions.

It becomes necessary, then, when a union is organized, to specify the work over which it claims jurisdiction for the twofold purpose of attracting into its association all those engaged in that line of work, and at the same time of warning members of other unions not to infringe upon this field. On account of the rapid changes in the methods of work, more extensive use of machinery, the introduction of new forms of the division of labor, the use of new materials,[3]

[3] In a prospectus of the Building Trades Department, Secretary Spencer said: "Demand for cheap labor has transformed the building trade from its old line of construction and compelled the organization of the Building Trades Department. The inventive mind of man is so specializing the work upon the building that the basic mechanic of a few years ago represents the lowest per cent. of labor on the structure. The architect and contractor today are steadily seeking to lower the cost of the building by the employment of cheaper men, and to this end they are effacing the skilled portions of every trade by the substitution of materials, the construction and installation of which can be performed by men of scarcely any training. Naturally the heirs of building specialties and tributary trades are those men of the primary or basic trades that are intended to be displaced by the employment of a specialty, but heretofore, by reason of a want of understanding, the building trades

and the increasing number of unions, trade lines have become so intertwined that it grows each year increasingly necessary for each union to specify clearly its jurisdiction claims. These claims are also continually becoming more definite and detailed, as can be seen by comparing the work claimed to be under the jurisdiction of a union in the early history of the organization with that listed more recently.

The United Brotherhood of Carpenters and Joiners furnishes a good example. During the first few years of its existence no specific claim to jurisdiction was made except such as was implied in the title of the union, it being assumed that every person knew what work belonged to the carpenter and joiner. In 1886,[4] five years after its organization, we have the earliest attempt of this union to catalogue its work, in the following words: "Those persons are eligible to membership, who are competent carpenters and joiners, engaged at wood work; and also any stair builder, millwright, planing mill bench-hand, or any cabinet maker engaged at carpenter work, or any carpenter running wood working machinery shall be eligible." If one compares this general statement as to jurisdiction with any of the jurisdiction claims made by this union during the past two or three years, which are too long to be quoted here (one section, that defining the work of the millwrights, requiring about six hundred words[5]), he will get an idea of the detail and particularity with which trade jurisdiction is now expressed.

While the increase in the number and in the strength of

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have countenanced the adoption of these specialties to the extent that the members of the various unions are gradually being displaced by younger and less skilled mechanics. Acting concertedly, further trade disintegration can be prevented, since surely the right of the affected workmen to be consulted as to the division of the main or basic trades into subordinate specialties can not be gainsaid, or their efforts to reclaim such specialties denied."

[4] Constitution, 1886, art. vi, secs. 1, 2.

[5] Folder issued by United Brotherhood of Carpenters and Joiners, describing the jurisdiction claims of the millwrights affiliated with them.

national trade unions has increased the difficulty of defining jurisdiction and has made the controversies arising over jurisdiction more serious, inasmuch as they affect large bodies of men throughout the country, the formation and extension of national unions tends also to decrease the number of disputes, since it brings about greater clearness and definiteness in the registry of jurisdiction. Obviously the first step toward preventing overlapping of trades is to describe trade boundaries so clearly that all may know them. The second step is to obtain uniformity in these claims. As long as each local union had power to lay down its own lines of demarcation there was bound to be uncertainty and confusion as to just what work was included in a certain trade.[6] The early history of most of the building-trades unions shows that to a large extent the determination of the work belonging to the trade was left to the local unions, but the strengthening of the central union at the expense of the local unions has resulted now in the general practice of having a single statement of jurisdiction emanating from the national union which is binding upon all its local unions.

The history of the Bricklayers offers illustrations of the differences likely to exist when claims to work are made separately by the local unions. The national union for many years contented itself with laying down a few general principles of trade jurisdiction broadly defining the lowest limit of jurisdiction, and permitted the various local unions to determine details and larger claims as to work. As a result we find the Paterson branch describing bricklayers' work thus:[7] "All fireproofing, cutting, fitting and setting of

[6] The National Building Trades Council sought to obtain a clear statement of jurisdiction by the following provision: "All organizations affiliated with any local Building Trades Council shall plainly and satisfactorily define the class of work they claim, and no trade will be permitted to do the work pertaining to another. Each trade will be obliged to classify the work claimed, and file same with the secretary of the local building trades council" (Constitution, 1900, art. iv, sec. 7).

[7] The Bricklayer and Mason, April, 1902, p. 3.

terra cotta and cutting of brick work and mason work," while the Philadelphia local union enumerated as its jurisdiction "the cutting out and pointing of all brick work, the cutting of all joist holes, chases, etc., fireproofing, block-arching, the cutting, setting and fitting of all terra cotta and rock face brick when cut on the premises, and the backing up of same (except when backed with stonemasonry) and the setting of cut stone trimmings, such as sills, beads and blocks that do not require cutting and fitting, and can be carried by two men." Some local unions did pointing and cleaning of brick walls, while others refused to do this work. In St. Louis this refusal led to the organization of the Tuck Pointers' Union, and caused the national union a good deal of trouble that could have been avoided if there had been a complete statement of jurisdiction by the national union such as it made later.

President Huber, of the United Brotherhood of Carpenters, in his report to the convention of 1904, said of the difficulty with the Amalgamated Wood Workers in regard to the mill men, over whom both unions claimed jurisdiction: "This mill question is one of the most knotty and intricate problems that confront our Brotherhood today. . . . In many localities we find that the outside carpenters are heartily in favor of lending a helping hand to bring about the desired results [the unionizing of the mill men]; in other localities the outside carpenters have no use whatever for the man working in the mills."[8]

In the early history of the Steam Fitters a good deal of local variation as to what constituted the work of the trade grew up because the union left the definition of steam fitters' work entirely to the local unions.[9] The Stone Cutters, when they sought to draw up a national schedule of jurisdiction, experienced considerable difficulty in having it accepted because of the lack of uniformity in the practice of its local unions.[10] A member of the branch at Uniontown,

[8] Proceedings, 1904, p. 37.

[9] Proceedings, in The Steam Fitter, September, 1899, p. 5.

[10] Stone Cutters' Circular, January, 1891, p. 2.

writing to the Stone Cutters' Circular in 1892, commented on a dispute at East Saginaw over the setting of cut stone, and said that stone cutters in general did not claim this work and that it belonged to the masons.[11] On the other hand the local union at Sault Ste. Marie reported that its members were working on a building on which they were cutting and setting the stone.[12] Most of the Stone Cutters' local unions claim only exterior stone work, but the branch at Knoxville, Tennessee, reported in 1898 that it did both exterior and interior work.[13] The union at Cobleskill, New York, reported in 1902 that it was working on a hard gray limestone which, when shipped to New York City, was controlled by the Granite Cutters.[14]

The chief interest, however, of local trade jurisdiction at the present time is found in those national unions, such as the Bricklayers, Marble Workers, Carpenters, and Sheet Metal Workers, which have several more or less distinct crafts within their organization. Although stonemasons and bricklayers are organized in the same national union, they control distinct trades, and a local union chartered exclusively for one trade has no jurisdiction over workmen engaged in the other branch of work. Thus the constitution of 1891 provided that "it shall not be obligatory upon bricklayers to deposit a travelling card in a local union composed exclusively of stonemasons in a locality where no bricklayers' local union exists, and vice versa."[15] The extent to which this separation was carried is shown by the following incident.[16] A New York City bricklayer appealed to the national convention of the Bricklayers to relieve him of a

[11] Stone Cutters' Circular, February, 1892, p. 6.

[12] Stone Cutters' Journal, July, 1895, p. 5.

[13] Ibid., March, 1898, p. 8.

[14] Ibid., December, 1902, p. 10. The local union of stone cutters in Springfield, Illinois, announced that it had taken in all the granite cutters in the town, since there was not work enough for the two unions, and since some of the stone cutters were lettering granite most of the time (ibid., March, 1901, p. 8).

[15] Constitution, 1891, art. xiv, sec. 1 ff.

[16] Proceedings, 1883, p. 2.

fine. He was a member of both the bricklayers' and the stonemasons' unions, and when his job as bricklayer was struck, he obtained work as a stonemason. This was allowable, but when he drilled some holes through fireproof arches for gas pipes, the bricklayers' local union claimed that he was doing work which they controlled, and accordingly fined him. More recent rules provide for the formation of mixed local unions where they are desired, and such branches may divide their work among bricklayers, stonemasons, and plasterers as they deem best, though in arbitrating any points of difference[17] the suggestion is made that all questions pertaining to the trade of the mason shall be settled by those connected therewith.[18]

The jurisdiction of local unions of Marble Workers is also more specialized than the jurisdiction of the national union. When a local union applies for a charter, it must designate which branch of the industry it desires to control; if it is a mixed local union, each member must be registered in one branch of the work, as cutter and setter, polisher, bed-rubber, helper, machine hand, or quarryman, and he is restricted to the work for which he registers.[19] A similar restriction is found in the Plumbers' Association. One of the clauses of the constitution is this: "In all local unions organized separately or combined, members of any one trade are prohibited from working at that of another, provided that a member or members of such other trade can be secured within the jurisdiction of a local union in the vicinity."[20]

The Composition Roofers made an agreement with the Slate and Tile Roofers in 1908 under which local unions, composed of members of each national union, might be established. Although the two national unions still maintained their jurisdiction claims, the right was conceded to

[17] Constitution, 1900, art. xviii, sec. 2.
[18] Constitution, 1901, art. ix, sec. 3.
[19] Constitution, 1902, art. iii, sec. 14.
[20] Constitution, 1902, art. xxv, sec. 25.

such mixed local unions to determine by majority vote whether the members should be permitted to work at each others' trade. This privilege could be exercised only within the territorial jurisdiction of the mixed union.[21]

Outside of the considerations here dwelt upon, local trade jurisdiction is a matter scarcely to be reckoned with, and when one speaks of the trade jurisdiction of a union he refers to the work claimed by the national union. The Building Trades Department of the American Federation of Labor requires all affiliated national unions to file their jurisdiction claims at its office, and these statements are regarded as the official definitions of the various trades. If the building industry were stationary, these claims once established would be valid for all time, and jurisdictional disputes would soon come to be merely of historical interest. But the industry is not fixed, and changes in methods, materials, and skill come about with so much rapidity that the building-trades unions are unable to adapt their jurisdictional claims without friction. Constantly confronted by the knowledge that parts of their trades are being permanently taken away from them by new methods, they must always be on the lookout for new work to take their place.[22] Secretary McGuire, of the Brotherhood of Carpenters, in speaking of the need of expansion to cover all parts of their work, said in 1894: "Year after year carpenter work is becoming less and less plentiful owing to recent innovations in architectural construction. With the introduction of iron and steel frames in the larger buildings, with iron and stone staircases, tile floors and tile or metal

[21] Proceedings, American Federation of Labor, 1908, resolution 81.

[22] A curious example of the way in which changed methods and materials are causing jurisdictional disputes is seen in a conflict which has occasionally arisen between the Painters and the Electrical Workers. Until recently all signs were made of wood and painted, and this work was of course regarded as belonging to the Painters, but lately electric signs have come into vogue and are rapidly replacing the painted ones, and this new work is now claimed by the Electrical Workers (Proceedings, Building Trades Department, 1912, p. 94).

wainscoting, with cornices and bay windows in many cases of other materials than wood, and with numerous other changes going on . . . the increase and perfection of woodworking machinery . . . the chances for the steady employment of carpenters are extremely uncertain."[23]

What is true of the carpenters' trade is equally true of nearly all the other building trades. The stone which was formerly cut "on the job" is now shipped in, ready to be placed in the wall, or it may be that the "stone" is made up in the required shape from cement; the plasterer who formerly put on the lath as well as the plaster is now restricted to the latter work, and indeed finds himself threatened by substitutes for plaster which come in sections ready to be attached to the wall; the plumber finds the skill formerly required for his trade rendered useless because most of the parts used in plumbing are made in a factory and can be connected without much knowledge of the trade; even the hod carrier finds his work much lessened by the use of lifts which are operated by the hoisting engineers. When in addition it is recalled that new kinds of work are constantly arising—such, for instance, as those connected with the installation of vacuum cleaning and fire protection apparatus, with new arrangements for heating and lighting, and with the various uses of cement—it will be seen that it is a task of considerable difficulty to determine just what are the bounds of each trade.

Let us, as a preliminary step, construct in imagination a modern office building and learn, from their statements as to jurisdiction, which unions lay claim to the various parts of the work. From these different claims the general grounds upon which such claims are based may be ascertained. The work of excavation, requiring mainly unskilled labor, is claimed by the Hod Carriers' and Building Laborers' Union,[24] and, except where the excavation is so

[23] Proceedings, United Brotherhood of Carpenters, 1894, p. 27.

[24] Jurisdiction Claims of Unions Affiliated with the Building Trades Department, published by the Department in 1911, p. 10.

deep that a hoisting engine or other machine is needed to bring up the dirt, it may be regarded as conceded to this union. If the foundation walls are built of stone, they will be claimed by the stonemasons, who are a part of the Bricklayers' and Masons' Union, since the jurisdiction claimed by this union covers the setting of all stone.[25] If the foundation had been of brick, the work would have been controlled by the same national union. If the foundation had been of concrete, the Cement Workers would have laid claim to the work,[26] while the Bricklayers' and Masons' Union would also have been likely to demand control of it, on the ground that the concrete was being used as a substitute for brick or stone.

The framework of the building, being of structural steel and iron, will be conceded to the Bridge and Structural Iron Workers' Union.[27] For the outside walls, if granite be used, the stone must be cut by the Granite Cutters, who have exclusive jurisdiction over the cutting of that material.[28] If a sandstone or any stone softer than granite is used, the Journeymen Stone Cutters' Association will control the cutting,[29] though this may be contested in some cases by the stonemasons, who claim that very often it is necessary, or at least expedient, for them to cut stone in connection with setting it. On the other hand, the Stone Cutters may claim the placing of the stone in the wall on the score that the setting of stone is a branch of the stone cutter's art, but generally stone setting is yielded to the masons.

The roof, if made of composition, slag, or other roofing material such as asphalt and gravel, will be built under the control of the Composition Roofers, who have jurisdiction over the placing of this roofing material;[30] if the roof is of

[25] Constitution of the Bricklayers' and Masons' Union.
[26] Jurisdiction Claims, 1911, p. 6.
[27] Ibid., p. 3.
[28] Ibid., p. 9.
[29] Ibid., p. 17.
[30] Ibid., p. 16.

slate or tile, it is conceded to the Slate and Tile Roofers.[31] The floors are likely to be of reinforced concrete. In that case the Carpenters will claim the building of all moulds and forms;[32] the mixing and the handling of the concrete will be demanded by both the Cement Workers and the Hod Carriers, while the Bricklayers will contend that such work ought to be done under the direction of a bricklayer foreman. Finally, the metal sheathing which forms the basis for the concrete is claimed both by the Lathers[33] and by the Sheet Metal Workers. If the floors are made of wood, they will be conceded to the Carpenters as their work. The lathing of the building will be done by the Wood, Wire and Metal Lathers, though on one side this work approaches closely the trade line of the carpenter, and on the other that of the sheet metal worker.

The painting and the decorating of the building will be claimed by the Painters,[34] although the putting up of picture molding is demanded by the Carpenters on the ground that the material is wood and is attached by the use of carpenters' tools. The placing of the hollow metal doors and sash throughout the building will be considered by the Carpenters as belonging to their trade because this work requires the use of their tools and their skill and because the use of sheet metal is displacing what was formerly carpenters' work,[35] while the Sheet Metal Workers regard this as part of their trade, inasmuch as they manufacture this material and do nothing but handle sheet metal, so that they have the skill necessary to erect it.[36] Plumbing, heating, and lighting are trades not very difficult to distinguish, but if a vacuum cleaning system, a sprinkler system, or some other extension of one of these older trades is to be in-

[31] Jurisdiction Claims, 1911, p. 16.
[32] Ibid., p. 5.
[33] Ibid., p. 11.
[34] Ibid., p. 13.
[35] Constitution, United Brotherhood of Carpenters, 1911.
[36] Jurisdiction Claims, 1911, p. 13.

stalled, difficulties arise. The Steam Fitters maintain that custom ought to be the guide, that is, that it should be ascertained which trade group was originally regarded as the most competent to do the work, as evidenced by the choice of the builder. The Plumbers would also claim this work on the ground that they have men in their organization who practice these trades, and that the whole pipe-fitting industry ought to be united under their jurisdiction, but this complication arises out of the existence of dual associations, and is not due to uncertain trade lines.

The construction of the elevators will be claimed in its entirety by the Elevator Constructors,[37] but this demand will be opposed for different parts of the work by the Electrical Workers, the Sheet Metal Workers, the Machinists, the Structural Iron Workers, and the Carpenters, each of these unions claiming such part of the work as it regards as lying within its trade. The Elevator Constructors maintain that the whole work is so closely connected that it cannot be conveniently or properly performed in parts by different trades. The plastering of the building will be conceded to the Plasterers, since the work of applying plastic material to walls is pretty well defined. However, if certain forms of decorative plaster, which are made up in factories and cast in sections all ready to be nailed to the wall, are used, the Plasterers will still insist on the control of the work because the use of this material is displacing the older form of plaster,[38] and the Carpenters will demand it on the ground that to nail these blocks to the wall is essentially their work since it is performed with their tools. The interior marble work for stairs, mantels, fireplaces, and columns will be done under the jurisdiction of the Marble Workers, who have control of the cutting and setting of interior marble work,[39] whereas if the same material were used on the outside of the building the Stone Cutters and

[37] Jurisdiction Claims, 1911, p. 8.
[38] Ibid., p. 14.
[39] Ibid., p. 12.

the Masons would have control. The erection of the scaffolding used in various stages of the construction of the building will be claimed by the Hod Carriers and Building Laborers on the ground that it requires little skill and is therefore to be classed as laborers' work; by the Carpenters, because carpenters' tools are used; and, when scaffolding is to be used by the Marble Workers, by the Marble Workers' Helpers on the ground that the erection of the scaffolding is closely associated with the placing of the marble.

The varieties of work upon a modern office building have been by no means exhausted, but enough has been said to show that over and over again a few main considerations are relied upon to justify a union's claim to jurisdiction over any given work. These are (1) the materials employed, (2) the tools used, (3) the sanction of custom, (4) the skill required, (5) the fact that the work under consideration replaces work heretofore done by the union, and (6) the fact that the work in question is so closely associated with other work as to be most conveniently and economically performed in connection with it.

These criteria being recognized, their validity may be tested by a critical examination of the jurisdiction claimed by some of the more important building-trades unions. In this analysis no attempt will be made to present the entire jurisdiction claims of any one union; merely such parts of its claims will be used as are important for the present purpose, which is to show that in formulating its trade claims a union is guided by one or more, perhaps all, of the above-mentioned considerations.

The Granite Cutters claim jurisdiction over the cutting and polishing of granite and of all similar hard stone on which granite cutters' tools are used, and over all tool sharpeners associated with the trade.[40] This statement shows the presence of three of our determinants. First, the union controls work on granite and similar materials.

[40] Jurisdiction Claims, 1911, p. 10.

Second, if granite cutting tools are used, the work is claimed. This test is merely supplementary to the first one, for the fact that granite cutting tools are used is here simply the guide for determining whether the material is such as the union controls. Third, the sharpening of granite cutters' tools is included because this work is so closely connected with granite cutting as to be best controlled by the same union.

The Hod Carriers and Building Laborers assert jurisdiction as follows: "Wrecking and excavating of buildings . . . digging of foundation holes . . . concrete work for buildings, whether for foundations or floors . . . helping masons, plasterers, bricklayers, and carpenters . . . handling of materials."[41] This jurisdiction may be classified as based on a negative use of one of the determinants. It is the absence of skill of a specialized nature which marks out the work of the Hod Carriers and Building Laborers. Any work about a building operation which requires no special training may be put down as building laborers' work.[42]

The field over which the Bricklayers exercise authority is divided into three parts: bricklaying, stonemasonry, and plastering. Bricklaying is said to consist of the laying of bricks in any structure or for any purpose where trowel and mortar are used, all cleaning and cutting of brick walls and work upon brick requiring the labor of a skilled person, fireproofing, terra-cotta cutting and setting, the laying and cutting of cork blocks, mineral wool, and all substitutes for such materials, and the erection of plaster block partitions where they are substituted for brick.[43] Stonemasons' work

[41] Constitution, 1903, art. viii, sec. 1.

[42] In the dispute over the jurisdiction on concrete work between the Hod Carriers and the Cement Workers, the Cement Workers asked that they be given jurisdiction because the Hod Carriers were merely helpers to the bricklayers, and because to give them control over concrete would be to put the industry into the hands of its enemies, the Bricklayers, who have been continually fighting against the use of concrete in building (Proceedings, Building Trades Department, 1908, p. 77).

[43] Constitution, 1908, art. ii, sec. 3.

consists of the laying of all stone and the cutting of ashlar, jambs, and corners.[44] The work of plastering is sufficiently clear to need no definition.[45] In these claims are found most of the factors mentioned above. Primarily, the work pertaining to the bricklaying, stonemasonry, and plastering trades may be determined in general according to the materials used. Bricklaying is marked out by the use of the trowel, the distinctive implement of the trade. Skill is a determinant in that all "work upon brick requiring the services of a skilled person" is claimed. When jurisdiction is asserted over plaster block partition, which takes the place of brick,[46] replacement or substitution is made the test.

The Stone Cutters formerly described their trade as "all stone work on which a mallet, mash hammer and chisel are used, shoddy work and pitch-faced ashlar included."[47] To this has since been added "the cutting of artificial stone."[48] In these claims jurisdiction is determined on the basis of the material and the tools used, but the branch of the Stone Cutters in Cleveland, Ohio, was fixing trade lines according to custom when it reported that its members did not set stone, since "it has always been the custom for the masons to do the setting."[49]

The United Brotherhood of Carpenters has probably had a greater variety of trade jurisdiction disputes than any other union. This has been due partly to the extension of the carpenter's trade in so many directions, and partly to the fact that the most far-reaching and rapid changes in

[44] Constitution, 1897, art. x, sec. 3. The convention of 1898 decided that all stone work, such as monuments, moldings, fine-cut faced work, trimming, lining, and carving stone, and all fine stone cutting is stone cutters' work and not masons' work (Proceedings, 1898, p. 45).

[45] The Bricklayer and Mason, April, 1900, p. 12.

[46] Ibid., March, 1904, p. 2.

[47] Constitution, 1900, By-laws, art. xiii.

[48] Constitution, 1905, art. xii.

[49] Stone Cutters' Journal, March, 1905, p. 10.

methods and materials in the building industry have centered about the work of the carpenter. As President Huber, of the United Brotherhood, said at the convention of 1910: "The disputes [jurisdiction] generally arise over the erection of certain work which originally belonged to the carpenters, but which through the growth of the building industry has changed form to such an extent that you could not say unless you know the class of trade which put it up, to what trade the work now belongs. The basic carpenter trade was and is one of the most general and complete trades which a man can learn. It is generally the carpenter foreman who takes care to see that the excavation stakes are properly set; who sees that the foundation is properly laid; who sees that the proper openings are left; who attends to the scaffolding for the painter, the electrician, the lather and plasterer. In fact, he is usually the superintendent of the job, and on his shoulders falls all the responsibility to see that the work is carried forward promptly and properly. He must be able to read blue prints, detailed plans and specifications, not only for his own work but for every building trade that comes on the job. To do this and do it properly it is necessary that he have a wide learning and a general knowledge of the diversified crafts with which he comes in contact." Urging that action be taken to extend the jurisdiction of the union so as to maintain control over all the work that formerly belonged to the carpenter, he said: "Something must be done or it is only a question of a decade or two until the carpenter craft will be such in name only, and our membership will gradually disseminate and affiliate itself with some special branch, which is simply the child or offspring, so to speak, of the carpenter industry."[50]

In view of these statements it will not be a surprise to find the Brotherhood of Carpenters working out its jurisdiction claims in great detail, and in one form or another making use of all of the above-mentioned tests to demon-

[50] Proceedings, 1910, pp. 67, 68.

strate that certain work belongs to its trade. The jurisdiction of the union in a general way covers "all journeymen carpenters and joiners, stair builders, ship-joiners, millwrights, planing mill bench hands, cabinet makers, carbuilders or operators of wood working machines . . . whether employed on the building or in the preparation and manufacture of the material for the same."[51] Here the material is the determining factor, and all skilled workers upon wood other than wood carvers seem to be regarded as working at some form of the carpenter's trade. It is argued that all wood working in mills belongs to the Carpenters because the machinery used in this work represents simply an improvement over the tools which the carpenter was formerly accustomed to use, and because the material is carpenter's material.[52] The declaration is frequently made that "every man employed in the wood working industry—handling edged tools—ought to belong to the United Brotherhood of Carpenters and Joiners."[53] Furthermore, as has been noted in the remarks of President Huber which have been quoted, the argument has been frequently used that the Carpenters ought to have jurisdiction over this or that work because the trade of the carpenter is the most comprehensive and fundamental of building trades. Here the appeal is made to custom as a determinant of the bounds of the trade.

In the claims of the Carpenters to control the erection of metal cornices and metal sash, doors, and trim the material is ignored as a guide to jurisdiction, and the demand is made upon the double ground of the skill required and the fact of replacement or substitution. It is claimed that the skill required to put up metal cornices and metal trim is the same in character as that required when wood is used, and that this metal work is simply replacing carpenter work. It is also argued that the tools of carpenters and not those of

[51] Constitution, 1907, sec. 73.
[52] Proceedings, 1904, p. 38.
[53] Proceedings, p. 45.

sheet metal workers are used in placing this material. It is cut with an ordinary wood saw, is nailed or attached with screws in the same manner as wood, and does not at any time require the use of the metal workers' "snips" or "soldering irons." In an agreement with the Bridge and Structural Iron Workers' Union the Carpenters conceded the validity of another of the tests—that of close association or convenience of grouping. They agreed that the Structural Iron Workers should have jurisdiction over all false work in connection with the construction of iron and steel bridges, since the erection of the false work is merely preliminary to and necessarily associated with iron and steel work.[54]

The Marble Workers claim[55] the cutting and setting of marble for interior finish and decoration, and also the cutting and setting of slate, glass, and composition used in place of marble.[56] In a dispute with the Tile Layers over the question of setting "marbleithic" tile the Marble Workers claimed the work because the material was a composition made largely from marble dust. The United Association of Plumbers asserts its exclusive right not only to fit the pipes used in plumbing, but also to control the whole pipe-fitting industry, because the various tasks are so closely connected with one another.[57] The Cement Workers claim all work in cement.[58] The Lathers assert their jurisdiction over

[54] The Carpenter, July, 1909, p. 28. The Carpenters' claims to jurisdiction have brought them into conflict with the Hod Carriers and Building Laborers, Sheet Metal Workers, Wood, Wire and Metal Lathers, Structural Iron Workers, Electrical Workers, Elevator Constructors, Painters, Tile Layers, Machinists, Asbestos Workers, Car Workers, and Carriage and Wagon Workers.

[55] The Marble Worker, September, 1910, p. 234.

[56] Ibid., July, 1912, p. 158.

[57] Jurisdiction Claims, 1911, p. 14. The union claims jurisdiction over plumbing, gas fitting, steam fitting, power pipe fitting, fire protection apparatus, vacuum cleaning systems, speaking tubes, etc. (Constitution, 1902, art. xxv).

[58] The Cement Workers' full claim is as follows: "All artificial stone, concrete wall or foundation work, coping and steps, concrete

wood, wire, and metal lath, plaster board, or other material replacing these.[59] The Sheet Metal Workers describe their trade as including the manufacture and erection of all sheet metal and the glazing of metal sash for skylights. The latter is claimed on the ground that the work can be most conveniently contracted for and done in connection with the metal work.[60] Throughout the building trades these same determinants are found again and again marking the bounds of the various crafts.

floors and sidewalks, cementing on concrete, cement mold work, curbs and gutters, cemetery improvements composed of concrete, fire-proof floors, sidewalk lights set in cement, and all other concrete construction" (Secretary's Report to Bricklayers, 1904, p. 479).

[59] Constitution, 1909, art. i, sec. 3.

[60] Constitution, 1909, art. vi, sec. 2.

CHAPTER III

Dual Unionism

Having considered the jurisdictional claims of the building-trades unions in respect to territory and to trade, we shall turn, in this and the following chapter, to an examination of the disputes which arise as the result of conflict in these claims. These controversies are of two classes: dual-union disputes and demarcation disputes. The fundamental distinction between a dual-union dispute and a demarcation dispute is that in the former a settlement of the dispute, at least according to the claims of one of the disputants, would involve the dissolution of one of the unions involved, while in a demarcation dispute both unions have claims to jurisdiction which are not involved in the controversy. In other words, in a dual-union dispute the jurisdiction claimed by one of the disputants is either exactly coextensive with that claimed by the other or is entirely included within it. In a dual-union dispute the question is not as to whose trade the work belongs to, but merely as to what unions shall have control over the workers in a particular trade. Thus the two rival national unions of electrical workers are dual organizations since they claim jurisdiction over exactly the same trade and territory. The Plumbers and the Steam Fitters, the Bricklayers and the Operative Plasterers are dual unions with respect to each other because in each case one of the unions claims, in addition to other jurisdiction, all that is included by the other in its jurisdiction claim. These conflicts occur, not because there is any dispute as to the lines of division between the separate trades involved, but because each union denies to its rival association jurisdiction over a particular trade in its entirety within the territory embraced by the United States and Canada.

A second distinction between the two classes of disputes

but one much less clear-cut is that demarcation disputes occur because of conflicts in the various claims as to trade jurisdiction only, while dual-union disputes develop from rivalry in regard to trade or territory. The possibility of making this distinction, however, is entirely due to the fact that in every trade of any importance a national union exists which claims jurisdiction over the American continent. If the central unions in the United States claimed jurisdiction only over districts, demarcation disputes might very well arise between the different districts as to whether certain places were in the jurisdiction of one or the other of two unions.

The fact that the life of one of the disputants is at stake gives to dual-union disputes a ferocity which warrants their separate classification. There is among trade unionists a definite impression that dual-union disputes form a distinct category, although the line of distinction between dual-union disputes and demarcation disputes is not drawn with clearness in the literature of the unions. The general public is accustomed to think inaccurately that jurisdictional disputes include only demarcation conflicts, but dual-union controversies are responsible for as many contests and evil results as are the former.[1]

While the concern here is only with the building trades, it is well to bear in mind that dual unionism is not peculiar to a few occupations, though it is more frequently present in some than in others, but that it crops out in the history of practically all organizations at one time or another. The query as to when and under what conditions dual unions are most likely to arise will be answered subsequently in greater detail. As a preliminary it will suffice to state that dual unions develop most readily in time of strike, largely

[1] The journal of the Amalgamated Wood-Workers, in speaking of the quarrel of that union with the United Brotherhood of Carpenters, said that frequent attacks and reprisals were made by one organization upon the other, not so much on account of trade disputes as for the purpose of obtaining jurisdiction over all the men in the wood-working industry (July, 1906, p. 211).

on account of the efforts of employers to divide the union into opposing factions; they appear also in times of industrial activity when labor organizations are expanding and multiplying. Furthermore, they are seen with greatest frequency among the building trades, since of all industrial products it is probable that a building is the one upon which the division of labor is carried to the greatest extent. When so large a number of tasks on a single piece of work are portioned out to different associations, many of them working simultaneously, the opportunity for new combinations is always present, and the results are often disastrous to industrial harmony.

It is consequently not surprising to find much of the attention of organized labor directed toward preventing or eliminating dual unionism. The Structural Building Trades Alliance was organized in 1903 with the avowed purpose of opposing "the formation of dual and rival bodies; to demand their complete annihilation and to assist only such unions as are affiliated with their respective national or international unions."[2] The Wood, Wire and Metal Lathers, who during their early history were troubled greatly by secessionists and independent local unions, declared in their constitution for 1901 that "no local union holding a charter in the Wood, Wire and Metal Lathers Union shall be attached to any other union doing work claimed by our union; and all charters now in existence shall be revoked by the Executive Council after thirty days from date unless such local unions shall sever all connections with rival organizations."[3] The Bricklayers at their convention in 1903 adopted a resolution calling upon all subordinate unions to do everything in their power to force the dual organizations of stonemasons into line.[4] The president of the Stone Cutters reported to the St. Louis Convention in 1904 as follows: "There exist in three of our

[2] The Lather, January, 1904, p. 7.
[3] Constitution, 1901, art. xvii, sec. 1.
[4] Proceedings, 1903, p. 54.

prominent cities to-day dual unions, namely Chicago, Pittsburgh and Philadelphia. The very existence of these unions is not only an injury to the trade in their immediate vicinities, and a source of annoyance to other union crafts and their employers in the other building trades, but a detriment in general to the prosperity of the general union."[5]

Similarly the president of the Plumbers, in speaking of their trouble with the Steam Fitters, said: "Much valuable time of this convention might be occupied in a recital of the many injustices perpetrated by this International Association of Steam Fitters under the guise of unionism. Our places have been taken in times of strife, employers have been dealt with to the end that dual organizations might be created, and our ranks decimated."[6] The United Brotherhood of Carpenters sought early to prevent the growth of dual unions by providing as follows: "No member of this United Brotherhood can remain in or become a member of more than one local union, or of any other organization of carpenters and joiners, under penalty of expulsion."[7] An indication of the feeling of labor organizations in regard to their jurisdiction and of their opposition to any organization which may prove to be a dual association is found in the jealous watchfulness with which the American Federation of Labor followed the formation of the Building Trades Department, and in the care which its officers took to emphasize the subordination of the Department to the Federation.[8]

A dual union may be defined as an organization which claims the right to maintain itself as a body independent of, and usually rival to, another association controlling the same classes of workmen and operating within the same territory. The term "dual" as applied by one labor organization to

[5] Stone Cutters' Journal, Supplement, October, 1904, p. 4.

[6] Report of President, in Proceedings, 1908.

[7] Constitution, 1888, art. vi, sec. 7.

[8] Report of Conference of Building Trades Department, 1908, passim.

another connotes always something of illegitimacy or infringement, and it is generally used to designate the association which lacks the support of the American Federation of Labor and the Building Trades Department as the recognized heads of the American labor movement.

Dual local unions occur almost entirely in large towns or cities, primarily on account of the patent difficulty that there are not enough workmen in a small town to support several local unions of the same trade. But there is also another reason. Since the members of a dual association ordinarily cannot travel about very much to seek work, for the reason that their cards will not be accepted by the regular unions and they will not be allowed to work, they cannot long maintain unions except in places sufficiently large to keep them steadily employed. By far the largest number of dual or independent local unions in the building trades have been in such cities as New York, Chicago, Philadelphia, and Boston.[9]

Dual unions, as may be deduced from what has been said above, may be classified with respect to the extent of their dual character—that is, as to how far each union claims jurisdiction over the same territory or trade as is claimed by another organization—as (1) coextensive or completely dual unions, and (2) incompletely dual unions. The word coextensive as used in this sense does not necessarily mean actually but rather potentially coextensive, that is, claiming the same jurisdiction, although not necessarily exercising it.

Two unions are completely dual with regard to each other when both of them assert the right to control identical territory and work. Of such a nature, as has been said, are the two national associations of electrical workers—the Reid and the McNulty unions. The American section of the

[9] It is a curious fact that dual unions arise and flourish more readily in Great Britain than they do here, despite our greater diversity in population. In 1907 there were in Great Britain five unions of bricklayers and eight unions of masons (The Bricklayer and Mason, August, 1909, p. 175).

Amalgamated Society of Carpenters is a completely dual union with respect to the United Brotherhood of Carpenters. Likewise the International Association of Machinists and the Brotherhood of Machinists are essentially of this class, though the latter claims to be an industrial union.

Dual local unions are sometimes called independent unions, but this title is not strictly accurate, for the term "independent union" is applied properly to unions maintaining a separate existence but not conflicting in their jurisdiction. The various local unions existing during the early history of labor organization in this country, before the formation of the central or national unions, were independent. Such unions had the same trade jurisdiction, but their territorial jurisdictions were clearly defined and did not conflict. With the development of the idea of exclusive control by the national union over territory, the possibility of such organizations practically disappeared. The only independent local unions now are those representing crafts which have no national unions.

As early as 1874 the Bricklayers' National Union was confronted with a complete dual organization, called the Order of United American Bricklayers, which was formed by secession from the National Union and had for its secretary a former secretary of the National Union. At the convention of 1874 it was decided to exchange cards with this dual body, which had its chief strength in and around New York City.[10] Twenty years later we find an entirely different attitude toward dual unions. A branch of this Order of United American Bricklayers had been established in Chicago, and for a number of years the members of this dual union had refused to permit the members of the National Union to work except upon the payment of a large initiation fee.[11] At the convention of the National Union

[10] Proceedings, 1874, p. 30.

[11] During the rush of work preceding the World's Fair, this Chicago union accumulated a fund of over $90,000, chiefly from exorbitant initiation fees, all of which, it was claimed, was embezzled or dissipated in a year or two (Proceedings, 1895, p. 14).

in 1895 it was decided to establish a regular local union in Chicago and to drive out the dual union. The latter offered to compromise by admitting members of the National Union on travelling cards and the payment of a ten-dollar initiation fee, in return for which it desired to have exclusive jurisdiction over Chicago and the right to work in any other territory upon payment of a similar initiation fee. This compromise was refused, and a branch of the national union was established there during the following year.

An example of the coextensive or completely dual union is found among the sheet metal workers. In 1902 an organization was formed in Pittsburgh, called the Sheet Metal Workers' National Alliance, which was made up of local unions in Pittsburgh, Philadelphia, New York, Brooklyn, and Chicago. Previous to this time the New York local union had always maintained an independent existence, but the other local unions were seceders from the Sheet Metal Workers' International Association. This dual national association was absorbed by the International Association during the following year.[12] Another such dual organization of the Sheet Metal Workers was the United Metal Workers' International Union, whose charter the American Federation of Labor finally revoked.[13]

The Knights of Labor was in a sense a completely dual organization to all trade unions, for it sought to unite all workers in one great union. It consequently aroused the opposition of the unions, and a meeting was held in Philadelphia in 1886 to draw up a protest against it and to formulate plans for opposing its activity. Twenty-two trade unions were represented and fourteen others endorsed their position. The secretary of the Bricklayers submitted a number of questions to the local unions of his organization as to the activities of the Knights. The answers showed that the Knights of Labor was a dual organization in that

[12] Amalgamated Sheet Metal Workers' Journal, April, 1903, p. 94.
[13] Ibid., July, 1903, p. 163.

it aimed to secure jurisdiction over bricklayers regardless of whether they were members of the union or not, and in every community regardless of whether there was a local union there or not. According to these replies, this dual association was a harbor for suspended, fined, or recreant members of the Bricklayers.[14]

Similarly, the Industrial Workers of the World is a dual union with respect to all craft unions. The Brotherhood of Carpenters recognizes this, for in reply to the question, asked by members of a carpenters' local union in Oklahoma, as to whether their members could also join the Industrial Workers of the World, the executive board decided adversely on the ground that the Industrial Workers of the World is a dual organization with respect to the Brotherhood of Carpenters.[15]

With the growth of power and the increase in the size of national unions, dual associations of the kind we have been describing—that is, coextensive in jurisdiction claims—tend to disappear. At present, when consolidation and centralization have gone far in the organization of labor, dual unions are mainly of the class we have described as incompletely dual. By an incompletely dual union we mean one which claims jurisdiction over only a part of the territory or a part of the trade which another union claims to control, the latter organization being conceded some of its jurisdiction claims. Thus the United Association of Plumbers and the International Association of Steam Fitters are dual unions in so far as the Plumbers charter local unions of steam fitters or admit steam fitters into membership in local unions of plumbers. There is practically no controversy

[14] Proceedings, 1887, p. 70. The Carpenters were also opposed to their members joining the Knights of Labor, and in 1888 the secretary of the union pointed out many evils resulting from the formation of dual carpenters' organizations by the Knights of Labor. He complained that these carpenters "offered to work longer hours for smaller wages, when our members were struggling to maintain union rules" (Proceedings, 1888, pp. 18–19).

[15] Proceedings, 1906, p. 221.

between these two unions as to the exact demarcation between the trades of plumbing and steam fitting. In fact, at the hearing before the executive committee of the American Federation of Labor in 1899 both unions agreed that plumbing and steam fitting are separate trades, and there was a fairly general agreement as to what work was embraced in each trade. The difficulty is that the Plumbers claim jurisdiction over the two trades of plumbing and steam fitting. They have local unions of steam fitters under their jurisdiction, and the Steam Fitters insist that all such branches ought to affiliate with them. On the other hand, the Plumbers claim that, since the interests of the whole pipe-fitting industry are identical, the Steam Fitters should amalgamate with them. Efforts have been made to bring about more peaceful relations between these dual bodies through the acceptance of a working agreement; but the Steam Fitters will not agree to a permanent settlement which does not recognize them as having sole control over all steam fitters, while the Plumbers will accept no plan of settlement which is not based upon the absorption of the steam fitters by their union.

Many jurisdictional conflicts have occurred between the Bricklayers and the Operative Plasterers because of dual unionism. In the reports of the president and the secretary of the Bricklayers for 1902, 1903, 1904, and 1905 considerable space is devoted to a discussion of the frequent disputes between these two unions, which are partially dual to each other. Plastering has always been closely associated with bricklaying and stonemasonry, and it is customary in a small community to find the same men doing the three kinds of work. Hence, the Bricklayers from the beginning have admitted plasterers to membership in their subordinate unions in the smaller cities and have maintained that this was the only satisfactory way to organize this class of workmen, since in these places the number of those who devoted themselves exclusively to plastering was too small

to support a separate organization.[16] Frequent conflicts occurred on account of this policy, and many futile attempts were made to draw up an agreement.

Friction has usually arisen because the employers, located in cities like New York, Chicago, Boston, and Philadelphia, where there are branches of the Operative Plasterers, have taken contracts in territory where the local plasterers were members of a branch of the Bricklayers, and have carried into this jurisdiction members of the Operative Plasterers. The result is that the bricklayers and masons refuse to work on the building unless the plasterers affiliated with them are employed, and thus the job is tied up. A strike of this sort, involving carpenters, hod carriers, and bricklayers, lasted for several months in Hartford, Connecticut, and cost the various unions, as well as the employers, large sums of money. In his report for 1902 the secretary of the Bricklayers said that during the previous year the union had had a great deal of trouble because the members of the Operative Plasterers' Union came into the jurisdiction of their own plasterers and refused to affiliate. At Tarrytown, as the result of a difficulty of this kind, a firm which did a great deal of work was put on the "unfair" list, and thus the unions of New York and vicinity suffered a serious loss of work.[17] It was also said that a strike in which a New Jersey local union was engaged for more than a year had been greatly prolonged because members of the Operative Plasterers' Union took the places of the strikers.[18] An agreement was drawn up between these dual organizations in February, 1911, which it was hoped would put an end to these difficulties.[19]

[16] Secretary Dobson of the Bricklayers said in 1905 that his union has never chartered an exclusive plasterers' local union, and that it takes plasterers into its other unions only when they are so few in number that they could not maintain a local union (Report of the Secretary, December, 1905, p. 347).

[17] Annual Report of the Secretary, 1902, p. 320.

[18] Annual Report of the Secretary, 1903, p. 435.

[19] This agreement was brought about largely through the efforts of Mr. Otto M. Eidlitz of the Mason Builders' Association of New

The history of the Bricklayers also records much friction with another dual association, the Stone Masons' International Union. Just as in the case of the plasterers, the Bricklayers' Union declared that much better results could be obtained by the stonemasons if they were members of the Bricklayers and Masons' International Union; and, in fact, they always had more of such members than had the exclusive union of masons. The Stone Masons' International Union was an incompletely dual organization with respect to the Bricklayers, as it claimed jurisdiction over only a part of the workmen included in the former.

The dual union of stonemasons, sometimes called the Jones Union, was organized by George Jones of Pittsburgh, who sought to persuade the masons to secede in a body from the Bricklayers. Only four local unions withdrew, however—those at Syracuse, Pittsburgh, St. Louis, and Baltimore—and they met in Baltimore in 1890 and formed the Stone Masons' International Union. The members of the Bricklayers' Union were instructed not to recognize in any way as union men the members of this dual organization. The secretary of the Bricklayers said, "There is not room for both organizations," and it was decided to send deputies

York City; it provided (1) that cards shall be interchanged wherever both organizations have local unions; (2) that the support to be given in the interest of either organization in localities where the Bricklayers' Union controls plastering shall be determined by the executive boards of both associations; (3) that the Bricklayers' Union shall concede to the Operative Plasterers the sole right to establish local unions composed exclusively of plasterers; (4) that in localities where the Bricklayers have local unions composed of the three trades, the plasterers may by a two-thirds vote (excluding the bricklayers and masons from such vote) withdraw and form a local union exclusively of plasterers; (5) that the subcontracting of plastering by any bona fide employer shall not be opposed; . . . (7) that if in any city where there is a local union composed of the three trades, there are three or less than three plasterers who are members and there are at least five resident plasterers who are not members, the Operative Plasterers shall be conceded the right to establish a local union (The Bricklayer and Mason, February, 1911, p. 30).

into every city where this union had established itself to organize rival unions affiliated with the Bricklayers.[20] This was done, and the dual union gradually disintegrated.[21] While it existed, however, it entailed upon employers and the "legitimate" union great inconvenience and the expenditure of large sums of money.

No union of building workmen has had more trouble on account of dual unionism than the Hod Carriers and Building Laborers. This is due largely to the fact that it is an organization made up of unskilled men. Lacking the definite characteristics which the possession of skill would furnish, the building laborers may be grouped in a great number of ways according to the kind of labor they perform. Thus, in New York the men who were employed chiefly in excavating were granted a charter by the American Federation of Labor and became an incompletely dual union to the Hod Carriers; in 1907 a resolution was adopted, calling upon the American Federation of Labor to order this excavators' union to amalgamate with the Hod Carriers,[22] and two years later it was decided that such work came properly under the jurisdiction of the Hod Carriers.[23] The jurisdiction of this union was also attacked by another dual union, called the International Laborers' Union, which sought to control only other unskilled laborers and made no claim to authority over the hod carriers. There were many bitter disputes between the two organizations for several years, and Critchlow, the secretary of the International Laborers' Union, sought to obtain a charter

[20] Annual Report of the Secretary, 1902, p. 316.

[21] The Bricklayers claim that the stonemasons cannot organize advantageously as a separate union since in most places it is necessary for a bricklayer or a stonemason to do both kinds of work. They also claim that on account of the facility of transferring and obtaining work in different places, even those who do mason work exclusively prefer to belong to the Bricklayers (Arbitration Proceedings, Pittsburgh, 1903).

[22] Official Journal [Hod Carriers and Building Laborers], November, 1907, p. 33.

[23] Ibid., October, 1909, p. 199.

from the American Federation of Labor but failed, and this dual association also went out of existence.[24]

Another dual union which flourished among the laborers for several years and claimed jurisdiction over only a part of the work controlled by the Hod Carriers and Building Laborers' Union was the International Building Laborers' Protective Union. This association survived longest in New England, where its local unions were composed mainly of Italians, and its officers were said to have appealed to race feeling to prevent the workmen from going over to the legitimate organization.[25] Still another conflict which has caused much trouble is that between the Cement Workers' Union and the Hod Carriers and Building Laborers' Union. That this is regarded as a case of partial or limited dual unionism rather than as a demarcation dispute is shown by the comment of the executive council of the Building Trades Department in making its decision on the dispute between these two unions. It was said by it that charters had been granted to two organizations, one of which claimed all cement work, while the other claimed about seventy per cent of it,—a fact which, as the executive council said, "would seem to indicate that a dual form of organization exists within this Department on the work in question."[26]

The secretary of the United Brotherhood of Carpenters said in 1904 that efforts had been made during the preceding two years to organize as separate unions the locomotive woodworkers, the agricultural woodworkers, the railway bridge builders, the millwrights, the shinglers, the dock, wharf, and bridge builders, the metal ceiling and wood workers, and the carpenters' helpers, but the protests of the Brotherhood to the American Federation of Labor had prevented their being chartered.[27]

Even the National Building Trades Council, despite its

[24] Official Journal [Hod Carriers and Building Laborers], May, 1906, p. 2 ff.

[25] Ibid., July, 1907, p. 7.

[26] Proceedings, Building Trades Department, 1909, p. 27.

[27] Proceedings, 1904, p. 68.

differences with the American Federation of Labor, was careful to say when it was formed, "It should be distinctly understood that a local building trades council is not and should never become dual to central bodies of the American Federation of Labor or any other labor organization."[28] When at the formation of the Building Trades Department the question of establishing state branches of the Department was under discussion, Vice-President Duncan, of the American Federation of Labor, was much concerned lest the field of authority of that body as represented by its state federations be infringed upon. He opposed the creation of state councils by the Building Trades Department on the ground that it "would tend to divide authority and would create a dual power in those matters that state federations should exercise."[29]

The foregoing illustrations of dual unions have all been of associations of national or nominally national extent, but dual unions may also be local in jurisdiction. In this class are the great numbers of seceded or suspended branches of the various national unions, the type usually thought of when dual unions are referred to, which claim jurisdiction over the identical trades controlled by the corresponding national unions but confine themselves to a single locality. It is probable that the history of every national labor union would furnish examples of this type, and we shall later examine some of them more closely, but we may properly at this point justify this distinction of a subclass within the class of incompletely dual unions by reference to a few cases.

The organ of the Marble Workers announced in 1910 that the National Cutters and Setters' Union, the Empire Association, and the Progressive Association of Marble Workers, all of which were dual unions whose jurisdiction was confined to New York City, had amalgamated with the

[28] Pamphlet concerning Building Trades Council, p. 11.

[29] Report of Conference of Building Trades Department, 1908, p. 27.

Marble Workers, and that there were now no dual unions of marble workers.[30] The president of the Slate and Tile Roofers' Union reported to the convention of 1904 that there was a dual union asserting jurisdiction only over Boston, which was known as the Roofers' Protective Union and which claimed control over all kinds of roofing in that city. He said that he had offered to give it a charter in the Slate and Tile Roofers' Union if it would reduce its jurisdiction claims to include only slate and tile roofing, but this the dual association refused to do.[31]

The Wood, Wire and Metal Lathers have had to contend at various times with dual organizations in the three branches of the trade in New York City. In 1903 trouble arose there because the Building Trades Employers' Association refused to employ any wire lathers who were not members of the New York Iron Furring and Metallic Lathing Union, a purely local body which claimed jurisdiction within a radius of twenty-five miles of New York. The local union at Paterson, New Jersey, which was within this radius, joined forces with the legitimate New York union in fighting this dual association, with the result that an amalgamation was finally brought about and the dual union disappeared. At the same time another dual organization in the same city was disposed of by an agreement between the regular local union of wood lathers and the Independent Wood Lathers' Union of New York.[32]

A great deal of time and attention has been expended during the past few years by the American Federation of Labor and the Building Trades Department in an effort to bring about an effective national union among the hod carriers and building laborers. Many dual local unions existed in various parts of the country, some of which had never been part of the national union, while others had seceded from it. The Federation used its influence to force

[30] The Marble Worker, October, 1910, p. 253.

[31] Proceedings, 1904, p. 10.

[32] The Lather, February, 1904, pp. 12, 13.

all of these local unions to affiliate with the Hod Carriers, and considerable progress has been made toward the accomplishment of this purpose. It was announced in 1906 that the recognized union had chartered eight of the twenty-two dual associations which had existed in New York City.[33]

It is a curious fact that many of the Hod Carriers' dual-union troubles have occurred on account of the chartering of local unions by the American Federation of Labor. In unorganized communities and in districts where there are not sufficient men of each craft to form local branches of their corresponding national unions the American Federation of Labor organizes mixed local unions, known as federal labor unions, which are made up of workmen engaged at various trades. Many of these organizations have had hod carriers and building laborers enrolled as members, and are reluctant to give them up to the local unions of their own craft when these are established. The secretary of the Hod Carriers reported in 1904 that during the year there had been frequent controversies with federal labor unions chartered by the American Federation of Labor because these unions refused to concede jurisdiction over building laborers to the national union. On one occasion, the secretary said, he had been accused by an organizer of the Federation of Labor of being the founder of a "scab" union when he established a branch of the national union, and on many occasions the members of these dual bodies worked for lower wages than the members of the legitimate unions were demanding.[34]

The Hod Carriers being an organization of unskilled workmen, its members are very largely immigrants of various nationalities. This has been one cause of the formation of dual local unions. In Toledo such an organization was established by Polish laborers; in Buffalo there

[33] Official Journal [Hod Carriers and Building Laborers], March, 1907, p. 15.

[34] Ibid., March, 1905, p. 56.

were unions of Polish, Italian, and English-speaking workmen; and in a few localities the attempt was made to establish dual unions made up of negroes.[35]

The Stone Cutters have likewise had many conflicts arising from the formation of dual unions whose jurisdiction was limited to particular localities. A peculiar contest arose in May, 1902, between the national union of stone cutters and the New York union of stone cutters which was unaffiliated with the national union. The New York union decided to close its books against outsiders and to refuse to accept the cards of any of the branches of the national association. Work was plentiful in the city, and all the local men were working overtime and receiving high wages. The national union decided that unless the cards of its members were accepted and they were permitted to work, its local branches throughout the country would refuse to accept New York cards, and, further, the national union would proceed to establish a new local union in New York and make the members of the dual union pay a fine of eighty dollars each as a prerequisite for admission.[36] The local branch in Salt Lake City complained in 1903 that its members were thrown out of employment because a local dual union agreed to work at a lower rate of pay. A member of the executive board succeeded, after two weeks effort, in ending the dispute by persuading most of the dual unionists to join the local branch at a reduced initiation fee.[37] In 1905 a settlement of a long-standing dispute was also effected in Philadelphia between a dual local union and the legitimate branch of the national union.[38] Additional examples of dual unions claiming only part of the territory of recognized national unions might be cited from all the other building-trades unions.[39]

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[35] Official Journal [Hod Carriers and Building Laborers], July, 1906, p. 13.

[36] Stone Cutters' Journal, July, 1902, pp. 5, 7.

[37] Ibid., July, 1903, p. 6.

[38] Ibid., October, 1905, p. 3.

[39] The secretary of the Brotherhood of Carpenters reported in

Dual unions, classified according to their origin, fall into three groups: (1) those associations which became "dual" by reason of their failure to join in the formation of the "legitimate" union; (2) those arising from suspension or secession from an existing national union; and (3) those due to the introduction of new processes, new materials, new forms of the division of labor, and machinery.

The first class was naturally much more numerous during the early history of labor organization in this country than it is now, for with the tendency toward consolidation into one national union and the strengthening of that union most of the independent unions have been amalgamated into one association. The Steam Fitters may properly be regarded as falling in this class, since the Plumbers and the Steam Fitters were organized about the same time. The Operative Plasterers and the Amalgamated Society of Carpenters may also defend their right to separate existence by an appeal to their age.

A similar situation existed among the stone cutters for some years during the early history of the present recognized national union. The Journeymen Stone Cutters' Association of North America exercised control over the trade mainly in the Middle West, though it had a few branches in other parts of the country. The Eastern Association of Stone Cutters was made up of local unions situated in the eastern section of the country. For a few years both of these unions claimed national jurisdiction. It was suggested that to prevent disputes as to jurisdiction a certain territory should be defined for each. A further suggestion was made that each refuse to receive local unions seceding from the other.[40] The Eastern Association adopted these

1898 that a number of local dual unions had amalgamated with the national union during the year. Among these were the Associated Carpenters of Detroit, the New Haven branch of the United Order of Carpenters, the Knights of Labor Carpenters of Chicago, three House Framers' unions of Brooklyn, the Cabinet Makers' Union of Brooklyn, and the Independent Carpenters' Union of Newark (Proceedings, 1898, p. 31).

[40] Stone Cutters' Journal, November, 1890, p. 2.

proposals during the following year, and declared that its jurisdiction extended over the Eastern and Middle Atlantic States and the District of Columbia, and that it would not exchange cards with any other union of stone cutters in this territory.[41] This did not settle the matter, for each association sought to establish branches in the jurisdiction of the other, and disputes occurred intermittently until the Eastern Association was finally absorbed by the Journeymen Stone Cutters' Union.[42]

By far the largest number of dual unions are of the second class: those arising through secession or suspension from a previously existing organization. They may thus be created by either a forced or a voluntary breaking away from the original body. Local unions may be and frequently are suspended by their national union for violation of its laws or for failure to obey an order issued by the national organization. Probably the majority of such suspensions occur because of the failure on the part of local unions to pay their indebtedness to their national associations. The suspended local union, if it is located in a small town and if the national union is a strong one, usually disbands or seeks reinstatement, for unless there is sufficient work in the community to keep the men employed pretty continuously, they will have to seek work in other sections, and this they will find almost impossible to secure as long as they are outside of the national union. In a larger community, where there is work enough to maintain the men at home, the suspension of the local union may result in the formation of a dual body, which may exist for a number of years and be a source of annoyance and expense to the national union. For this reason the suspension of a subordinate union is rarely resorted to in a weak national association, and even in a strong union only as a last resort or upon great provocation. Often, indeed, the mere threat of suspension is sufficient to bring about compliance with the

[41] Stone Cutters' Journal, January, 1891, p. 7.

[42] Ibid., March, 1893, p. 11.

wishes of the national body, for this is a severe penalty, especially when, added to the losses and difficulties which the members of such a branch ordinarily suffer, there is involved (as, for instance, in the Brotherhood of Carpenters) the suspension of all the members of such a union from national union benefits.[43]

As early as 1857 the New York local union of stone cutters, which was one of the organizers of the national union, was suspended because it was heavily indebted to the national union and refused to pay. The other branches of the national union were instructed to compel every member of this suspended union who might come into their jurisdiction to pay an initiation fee of one dollar and his share of the indebtedness of the New York branch before being permitted to work.[44] During the following year the Chicago local union was likewise suspended because it failed to pay its dues to the national organization.[45]

One of the New York local unions of the Bricklayers was suspended in 1902 because it refused to live up to an agreement which the national union had made with the contractors for the Rapid Transit Tunnel. After a few months it consented to comply with this agreement and was reinstated.[46] Again, in 1905 the Bricklayers' Union threatened to suspend all of its New York branches unless they should comply with its rules in regard to fireproof tiling. A few of them did obey these rules, but others continued wilfully to violate them, and the executive board therefore suspended thirteen local unions.[47]

The separation of a branch or a number of branches from the national union may be occasioned also by secession. Two forms of secession may be distinguished: one in which the local union as a whole withdraws from the national

[43] Constitution, 1911, p. 43.
[44] Stone Cutters' Circular, September, 1857, p. 4.
[45] Ibid., March, 1858, p. 4.
[46] Annual Report of the Secretary, 1902, p. 350.
[47] Annual Report of the President, December, 1905, p. 1 ff.

union, and the other in which a local union splits into two factions, one of which withdraws from the national organization. The causes of the secession may be as numerous and varied as those which give rise to quarrels between individuals. Secretary McHugh of the Stone Cutters recently said: "Rivals of the old, well-established organizations of the country spring into existence from a variety of causes, chief among which is the irrational or mercenary member, who would further his own interests to the detriment of the union cause."[48]

Secession is justified usually on the ground of the right to local autonomy. It is claimed that since the national unions are voluntary associations and are established through the efforts and at the will of the local unions, the latter have a right to withdraw at any time they desire. This is of course analogous to the old doctrine of state's rights, and is regarded by the national unions as dangerous and unsound teaching. In the arbitration proceedings between the Bricklayers and the Stone Masons, the latter composed of unions which had seceded from the Bricklayers, the representative of the Bricklayers argued against the right of secession as follows: "Shall it be the right of any number of unreasonable and dissatisfied members of any labor organization to form a union and enter the field of usefulness of that association and there establish and maintain a rival union with the assent and moral support of organized labor? It is one thing to maintain that it is a man's inalienable right to do as he chooses, . . . but it is quite another thing to ask organized labor to sanction a principle which appeals most strongly to non-unionism, which subverts all power of discipline . . . and means the weakening or destruction of organized labor."[49]

Secessions of local unions naturally occur with greatest frequency in weak and inefficient national unions. In the early history of many associations now powerful such seces-

[48] Stone Cutters' Journal, June, 1906, p. 2.

[49] Arbitration Proceedings, Pittsburgh, 1903.

sions were not uncommon. Indeed, little attempt was made to force the return of the seceders. Even in well-established unions secessions en masse of particular sections of the organization which have become dissatisfied with the national union for some reason, real or fancied, sometimes occur. The Electrical Workers have had a long and costly jurisdictional dispute because one section, mainly the outside electrical workmen, led by Reid, seceded from the national organization. The outside workmen get less pay than do the inside electricians, and because this difference persisted and seemed very marked, the outside men came to believe that the union, dominated by the inside workmen, was merely "using" them to improve conditions for the inside electricians.

The trouble culminated when this faction, under the leadership of Reid, failed to prevent the election of President McNulty, and thus failed to gain control of the union. They then elected their own officers and seceded. Each set of officers, with their supporters, insisted that they represented the legitimate organization of electrical workers, and the conflict received the attention for several years of the American Federation of Labor and the Building Trades Department in their efforts to bring the warring sections together. Great bitterness of feeling was manifested, and work was continually interrupted because some city federations recognized one union while others recognized its rival. Court proceedings were instituted to obtain possession of books or property claimed by both sides; bank balances were tied up, and efforts at organization hampered. There was also a heavy loss of wages on account of interruptions to work. The electrical workers were not alone in these losses, as they extended to all the building trades. The American Federation of Labor has recognized the McNulty union as the legitimate one, and the Reid dual union has lost much of its power.

The secession of the local union of stone cutters at St. Louis in 1893 is a good example of the secession of an entire

local union. This branch, on account of some dissatisfaction with the national union, withdrew and decided to maintain an independent existence; but the national association soon after organized a new local branch and enrolled some of the secessionists, thus greatly weakening the power of the old branch. There was continual quarrelling between the two rival unions until the dual organization was taken over entirely by the regular branch.[50] The branch of the Lathers at Oakland, California, seceded as a body because it was opposed to the death-benefit feature of the national union, and it gave the further reason that it desired to affiliate with a dual union of lathers in San Francisco.[51] In 1901 the New York union of the Lathers withdrew because of several objections to the practices of the parent body, but mainly on account of the special grievance that two other local unions had been chartered by the national union within the territory over which it desired jurisdiction.[52]

The Stone Masons' International Union, described earlier in this chapter as an incompletely dual union to the Bricklayers, originated in 1890 in the secession of the Pittsburgh branch from the Bricklayers. The reason given for withdrawal was that the national organization had failed to endorse the local strike of the masons and had refused to allow the strikers the usual strike benefits. After the establishment of the dual organization, conditions were so unsatisfactory in Pittsburgh that the employers demanded arbitration of the dispute between the rival local unions, and finally in 1903 a board of arbitration was constituted and

[50] Stone Cutters' Journal, December, 1893, p. 7.

[51] The Lather, March, 1902, p. 9.

[52] Ibid., January, 1902, p. 4. A peculiar situation arose in New York when the local union affiliated with the national organization of lathers was denied representation in the New York Building Trades Council, a body affiliated with the American Federation of Labor, on the ground that this local union was composed of seceders from the independent or dual union of lathers (ibid., March, 1903, p. 5).

hearings were held. It was decided that the local union of the dual association should affiliate with the Bricklayers, while retaining local control over stonemasonry, and the branches which had been established by the Bricklayers after the secession were ordered to consolidate with this newly established branch.[53]

The Hod Carriers and Building Laborers have had many difficulties of this nature. One of the organizers reported to the convention of the union that during March, 1907, two or three seceding local unions had consolidated with the Building Laborers' International Protective Union, and had formed the Building Laborers' Union of New England. The formation of these associations, he declared, was largely due to the machinations of employers.[54]

Sometimes recognized bodies of organized workmen, such as city federations or local building trades councils, have encouraged dual unionism. In November, 1898, the local union of the Plumbers, together with several branches of the Bricklayers, withdrew from the Building Trades Council in Milwaukee because they objected to paying to the council the quarterly per capita tax of twenty-five cents. The Milwaukee Council then organized local unions to take the place of these seceders, and sought later, without success, to get a charter for the dual union of plumbers from the National Building Trades Council. The matter was finally settled by a reduction in the tax and the return of the seceding local unions to the council.[55]

The second form of secession is that in which only a part of the local union withdraws. While most of the questions coming before the local unions for decision are settled by a majority vote, in the matter of maintaining the existence of a branch union nearly all of the organizations specify only a small number of persons as necessary to obtain and to keep a charter. This latter precaution is adopted largely to pre-

[53] Arbitration Proceedings, Pittsburgh, 1903.

[54] Official Journal [Hod Carriers and Building Laborers], November, 1907, p. 102.

[55] Plumbers' Journal, February, 1899, p. 11.

vent a minority from being forced out of the national union against their wishes simply because the majority votes to secede. Thus the Lathers provide that "in event of any local union deciding by majority vote to withdraw from the International Union, the minority, if five members or more, shall retain possession of the charter and supplies; shall be commended to all central bodies as the only legitimate organization; and shall receive the support of the International Union in accordance with the provisions of the constitution."[56]

The withdrawal of part of a local union while the other part remains loyal is practically always the result of factional quarrels within the union, and these factional quarrels are frequently due to the influence of employers. In 1858 part of the Washington branch seceded from the national union of Stone Cutters and formed a dual association because they were dissatisfied with the conduct of affairs in the local union. The members who remained loyal to the branch maintained that the secession was inspired and aided by one of the employers for whom most of the secessionists worked.[57] Secretary McHugh of the Stone Cutters claims that nearly every such dual union in his trade, if traced back to its origin, will be found to have been due to the efforts of an employer during a strike. Always at such a time there are some strikers who are anxious to go back to work, and if the employer and his foreman are sufficiently skillful they can spread discontent and doubt among the unionists until two factions gradually develop, one desiring to return to work, the other opposing this plan. It is not difficult to widen the breach, and if the antagonism between the factions becomes intense, one section will secede, form a separate organization, and resume work. If the seceders are numerous enough, the

[56] Constitution, 1902, art. ix, sec. 14. The Jersey City branch of the Lathers announced its withdrawal from the national association by a majority vote (The Lather, March, 1902, p. 9).

[57] Stone Cutters' Journal, January, 1858, p. 3.

failure of the strike will result, and the dual union, for a time at least, will control the majority of the union shops in the city.[58]

The third group of dual unions, classified by origin, is made up of those which come into existence through a further division in a trade, through the use of new materials, or through the introduction of machinery by which skilled work is reduced to unskilled. Here the problems of dual unionism and demarcation disputes impinge upon each other. There is a close connection between the origin of dual unionism of this kind and the origin of a large number of the demarcation disputes. If a new form of division of labor brings into existence an entirely new body of workmen, that is, workmen who are not specialized in any other craft, and if this work is also claimed as part of its trade by an existing union, we have a case of dual unionism. If, on the other hand, a new process is claimed as part of their work by both of two existing unions, we have a demarcation dispute. Obviously in many cases the distinction is unimportant. A few illustrations will make clear the manner in which new processes or new forms of the division of labor may give rise to dual unions.

When the bricklayers have completed the work of erecting a wall, certain finishing processes must be performed, for the wall will be daubed with mortar and here and there will be found places where the cement has partly crumbled out between the stone or brick. Hence the wall must be washed and the cement touched up or "pointed." This work is rather tedious and unpleasant, and requires skill but little removed from that of the ordinary laborer. The employers are therefore desirous of having the work done by

[58] Interview, Secretary McHugh, June 17, 1911. The convention of the Building Trades Department in 1908 adopted a resolution calling upon all affiliated bodies to aid the Stone Cutters' Association in every way in its fight upon a dual union known as the National Stonecutters' Association, which, it was claimed, was organized by the employers and made up of seceders from the legitimate union (Proceedings, 1908, p. 51).

laborers rather than by bricklayers for the obvious reason that it will be cheaper, and the Bricklayers in many localities formerly did not object to the arrangement, for they were not eager to do this disagreeable work. Gradually a class of men grew up who did this kind of work exclusively, and after a time they came to regard it as their trade. In some places the Bricklayers, claiming that the work of pointing and cleaning walls is a part of the bricklayers' trade, objected to this specialization, but in a number of large cities the claims of the pointers were not disputed. When, however, as a result of this acquiescence, local unions of the tuck pointers were chartered by the American Federation of Labor, the Bricklayers made such strenuous objection to the creation of this incompletely dual union that the Federation recalled the charters it had already issued. This action left the pointers entirely without effective organization, for they could have no recognition by local federations as a legitimate union, nor would their local unions be admitted by the Bricklayers since their members were neither bricklayers nor stonemasons.

When the Spring City, Pennsylvania, branch of the Bricklayers, composed of bricklayers, masons, and plasterers, in 1904 submitted its working code to the executive board for approval, it was found that it had sought to cover as much ground as possible and had included in its provisions cement and concrete work of all kinds. The executive board, however, refused to ratify the code until it was made clear that the local union did not intend to admit to membership as "exclusive" cement workmen the unskilled laborers who had been performing parts of this work. The president reminded the local union that it was contrary to the union laws to admit to membership men engaged only in cement work. Members might be bricklayers and cement workers, or masons and cement workers, but none could be admitted who were able to do nothing but cement work.[59]

At first sight this appears to be an indefensible policy, for

[59] Annual Report of the President, 1904, p. 136.

it would appear that since these men were to be employed upon the only kind of work for which they were trained, and since the Bricklayers' Union, which claimed this work, had these men in its organization, it would be a matter of indifference that the cement workers knew nothing about bricklaying or masonry. Undoubtedly, however, such regulations tend to discourage any further subdivision of the trade that might later give rise to a demand for separate organization. If the Bricklayers could retain all new processes as parts of the trades of bricklaying and masonry, the association would have little trouble with dual unionism.[60] This has been their policy throughout, and the union has steadily resisted the specialization of any part of its work. Economically this policy seems to be wrong, for it stands in the way of progress as represented by a more minute division of labor and specialization of tasks. What it lacks in economic and ethical characteristics, however, it makes up in the eyes of the union in practicability and adaptability to trade-union ends, and, like many other policies of labor organizations, its chief ground of justification lies in the fact that it attains the result desired.

The blending of demarcation disputes with conflicts of dual unionism is seen in the much-discussed controversy between the Steam Fitters and the Plumbers. While the

[60] In 1905 the secretary of the Bricklayers exhorted the subordinate unions to oppose any further division of their trade, and called attention to the fact that a failure to enforce the union's classification of work in the following directions had caused a number of conflicts to arise in various departments of the trade: (1) in stone and brick pointing; (2) in the setting of stone by stone setters and stone cutters; (3) in the laying of conduits by handy laborers; (4) in the building of brick cisterns by cistern builders; (5) in the training of exclusive stack builders, by permitting boys to be apprenticed exclusively to such work; (6) in fire-brick work, also furnace and boiler work done in the mills; (7) in the acquiring of the right, by handy laborers, to place cement work in position in buildings without the supervision of the bricklayer, and the finishing of cement floors (Report of the Secretary, December, 1905, p. 332).

difficulty between these two unions is a matter of dual unionism, the problem in all likelihood would not so long have resisted attempts at its solution if a contest over trade jurisdiction were not involved in it. It is the belief of the Steam Fitters that, while the nominal purpose of the Plumbers is to get rid of dual unionism by bringing all the members of the pipe-fitting industry into one organization, their real purpose in seeking to consolidate these associations is gradually to obliterate trade lines by usurping the work of the steam fitters. The Steam Fitters regard the constant activity of the Plumbers in establishing rival associations of steam fitters, with the object of forcing all steam fitters into the Plumbers' Union, as an attempt to steal their trade. If the Steam Fitters felt assured that they could amalgamate with the Plumbers and still retain steam fitters' work for steam fitters, it is likely that a plan of amalgamation could be adopted without much difficulty. But they are convinced that union with the Plumbers, even though nominal trade autonomy be granted, marks the trade for ultimate absorption.

This fear is not unwarranted. Delegate Garrett, of the Steam Fitters, in discussing this question at the session of the Building Trades Department in 1909, said: "But those steamfitters [in the Plumbers' Union] are continually complaining about their condition. They tell us they are walking the streets while the plumber does their work. The plumber is continually encroaching upon our trade . . . they [steam fitters] cannot get the work because the plumbers are in the majority." At the same time Delegate Leonard, of the Plumbers, also showed by his remarks that the Steam Fitters have good reason to fear that their trade would become merely a subdivision of plumbers' work if they consented to amalgamation. He said: "Our trade embraces everything in the pipe fitting industry. We leave it to the different localities if they want to separate themselves and go into the various specialties of our trade . . . You can go into the places where we have mixed locals, and

notwithstanding the fact that they are mixed, the men work at what they are best fitted for, if that is the rule of the locality, without drawing rigid lines of demarcation."[61]

The introduction of machinery is an important cause of dual union disputes. A machine may be introduced which performs part of the work previously included under one trade, or it may perform part of the work of several trades. The union whose work is thus reduced usually claims jurisdiction over the machine operators. It also not infrequently happens that the operators wish to organize separately. In that event a dual-union dispute arises. In the building trades certain machines have been introduced in the stone, granite, and wood-working trades. In the case of the Granite Cutters the union has held jurisdiction over the machines. In the cutting of granite trouble arose frequently when the employers sought to use "lumpers"—handy men, or laborers—on surfacing machines.[62] The Granite Cutters claimed jurisdiction over cutting, dressing, carving, and polishing granite, whether done by hand or machine, and the sharpening of granite-cutting tools. Secretary Duncan said, "We do not stand in the way of improved machinery, but hold that all granite cutting machines shall be operated by journeymen members of our union."[63] To prevent the trespass of these machine operators upon the work of the hand granite cutters, the constitution of 1897 provided for the admission of such machine cutters upon the same conditions as the handicraft men, but the former could not go from machine work to hand work unless they served the usual apprenticeship at granite cutting.[64]

The Stone Cutters have faced the same problem but less successfully. The branches have frequently struck against the introduction of the planer into their territory or against the use of stone which had been cut elsewhere by machinery.

[61] Proceedings, Building Trades Department, 1909, p. 92.
[62] Granite Cutters' Journal, August, 1906, p. 2.
[63] Ibid., October, 1903, p. 5.
[64] Constitution, 1897, sec. 73.

In 1896, after having engaged in a strike, the Chicago local union reported that thereafter stone-cutting machines were to be operated by members of the union, and were to be used only eight hours a day.[65] In 1905 the national union enacted a rule requiring that "all planers within the jurisdiction shall be operated by members of this organization."[66] In spite of this regulation, the greater part of the planer men remain outside the Stone Cutters' Association, and most of the branches make no attempt to enforce the rule. The issue between these dual unions of the planer men and the Stone Cutters has never become acute because the policy of the union has been vacillating.

The struggle of the Carpenters against the Wood Workers has been the most important of the dual-union disputes arising from the introduction of machinery. This dispute arose from the gradual transference to mills of a large part of the work formerly done by carpenters on or around a building. The Carpenters for some years have waged incessant warfare for the control over this work, and at present (1913) have driven the Wood Workers from the field.

Every large city in the country has been the scene, at one time or another, of bitter conflicts over jurisdiction between dual unions. The long and costly quarrel in Denver between the United Brotherhood of Carpenters and the Amalgamated Society of Carpenters, and the one in Boston arising from the conflict between the Steam Fitters and the Plumbers, are referred to elsewhere in this study. In Milwaukee the Brotherhood of Carpenters instituted a boycott against one of the big brewing companies because it was employing members of the Amalgamated Woodworkers' Union.[67] In St. Louis the Carpenters threatened to boycott all merchants who should patronize concerns employing members of the Woodworkers' Union.[68]

A great deal of trouble was caused in New York by dual

[65] Granite Cutters' Journal, April, 1896, p. 2.
[66] Constitution, 1905.
[67] International Wood Worker, April, 1905, p. 112.
[68] Ibid., May, 1906, p. 149.

unionism among the structural iron workers. This difficulty arose out of a division in the local union, one branch of which was led by the notorious Sam Parks and the other by Robert Neidig. Parks's faction was suspended, but was later reinstated. The employers then organized the Independent Housesmiths' Union of New York, and made an exclusive agreement with it. Parks was sent to prison for grafting, and efforts were afterwards made to have this local Housesmiths' Union consolidate with the New York branch of the Structural Iron Workers. The executive council of the American Federation of Labor, the national officers of the Structural Iron Workers, and committees of various central bodies sought for several months to bring about amalgamation but without success, until finally Neidig succeeded in effecting a settlement.[69]

Secretary Dobson of the Bricklayers reported in 1903 that a great deal of energy and about three thousand dollars in money had been spent during the year in fighting the dual unions of stonemasons. In Pittsburgh all the labor unions of the city supported the dual unions of masons, and for a time a lockout involving ten thousand men existed. Public sentiment and the newspapers opposed the Bricklayers, but finally arbitration was forced; as a result the six local unions of stonemasons in Pittsburgh were ordered to affiliate with the legitimate organization, and they did so.[70] In fighting a dual union of bricklayers in San Francisco the Bricklayers sent to the field of conflict a special representative who opened an employment bureau, made agreements with certain contractors, and used every effort to fill the city with members of the recognized association.[71]

The number and importance of dual-union disputes diminishes with the centralization which is constantly taking place in labor organizations since there is a constant tendency to strengthen the control of the national union over

[69] J. R. Commons, "The New York Building Trades," in Quarterly Journal of Economics, vol. xviii, p. 432.

[70] Annual Report of the Secretary, 1903, p. 429.

[71] The Bricklayer and Mason, April, 1900, p. 5.

its branches.[72] Another check on the local unions in the building trades is the formation of intermediate federated associations between the national union and the local union. Where several local unions exist in the same community a central organization is formed. The local unions in a State are not infrequently organized into a state association. There are also in process of development interunion associations, such as building-trades councils and local federations of labor, which throw their influence in most cases against dual unionism.[73]

This tendency to full control by the national union resembles the development which has been going on in our political organization. There were first the separate and independent States; then a federal association created by the States, to which each surrendered some of its authority; and after that a gradual enlargement of the power of the central government, with a corresponding loss of independence and power by the States. As the trade unions pass through a similar evolution, dual unions will gradually tend to be eliminated. This conclusion applies especially to that class of dual associations usually spoken of as independent local unions; on the other hand the tendency to decrease in this direction may be to some extent offset by an increase in those dual unions caused by a further division of labor, by the use of new materials, or by the introduction of machinery.

[72] Secretary Dobson, in his annual report of December, 1905, said that the authority of the national union over its local branches must be extended and emphasized lest each subordinate union, in passing laws for its own interest, prejudice the welfare of all the others.

[73] See G. E. Barnett, "The Dominance of the National Labor Union in American Labor Organization," in Quarterly Journal of Economics, vol. xxvii, no. 3.

CHAPTER IV

Demarcation Disputes

The jurisdictional disputes of trade unions, to take a new point of view, may be classified into (1) those disputes which arise within the trade which the union represents and (2) those disputes which manifest themselves in the external relations of different trades. Each of these groups of disputes is also subdivided, so that we have, within the trade, questions of jurisdiction arising between a local union and the national union, between two national unions in the same trade, or between two or more local unions of the same national organization. The intertrade jurisdiction problems divide into difficulties growing out of the claims of a specialized class of workmen to part of the work claimed by another trade—a class of difficulties which has already been discussed—and contentions between two or more organizations as to which body of workmen shall have control over a certain line of work which is only a part of the work claimed by either union. The last are known as demarcation or, in a peculiar sense, trade-jurisdiction disputes, and it is with this class of disputes that the present chapter is concerned. The discussion of the frequency of demarcation disputes, the estimate of their evil results both to the unions themselves and to the public, and the search for possible remedies will be deferred to later chapters. At present we are engaged only in making an analysis of such controversies for the purpose of determining their causes.

During the earlier history of trade unionism, when the tendency toward specialization had not set in so strongly and labor associations were not so numerous, men did any work that they were competent to perform. Of course, most men were limited by their ability or skill to the particular branch or trade which they had learned and to such work as was very closely related to it, but there was rarely

opposition on the part of other men if one man sought occasionally to do certain work outside of his usual employment. Now, however, when trades tend to be more and more divided, the workman can scarcely move outside of his own narrow line of work without trespassing upon the field claimed by another union. This evolution can be visualized if one contrasts the division of labor in rural communities or small towns with that in cities. In the former, the plumber will install not only the water, bath, and toilet systems, but he will also put on the tin roofing and the spouting and will set up the heating system. In the city each of these constitutes the work of a separate craft. The country mason not only cuts stone of any kind, but he places it in the wall, and in many cases he sets brick also. In the city there are marble cutters, stone cutters, and granite cutters, and these are distinct from the stonemasons and the bricklayers. Such variations in the division of labor are matters of everyday experience, so they need not be dwelt upon at length. The history of the Bricklayers in their relation to the work of plastering will serve as a typical example of this evolution.

In former times nearly all bricklayers were plasterers as well, and one of the earliest signs of possible trouble with another union over trade jurisdiction appeared when the president of the Bricklayers in his report to the convention in 1868 called attention to the fact that a large number of their members worked at both bricklaying and plastering, while in the Plasterers' Union about one fifth of the members also did both. Four local unions whose members did both bricklaying and plastering were affiliated with both national unions.[1] Today, especially in large towns or cities, it is not very common to find bricklayers doing plastering, or vice versa. Notwithstanding the fact that the trades are still considered as very closely allied, that the Bricklayers have jurisdiction over a great many plasterers, and that a number of local unions of plasterers are

[1] Proceedings, 1868, p. 26.

affiliated with the Bricklayers, bricklaying and plastering are considered as two distinct trades. Even where the workmen are both under the same national union, as with the Bricklayers, a man cannot change from one class of work to the other unless he demonstrates that he has learned the other trade and obtains a card of membership in that branch of work.

The word "demarcation" is used by trade unions in the same sense as delimitation, to denote the marking off of the bounds within which a man who follows a certain trade may legitimately claim the right to work. Phrases of almost parallel significance are "trade jurisdiction" and "the right to a trade," while the same idea is suggested in the phrase "overlapping trades." This definition assumes that there are limits to the work included in each trade, that these boundaries may be determined with more or less definiteness, and that the lines of division are just and reasonable ones. Under the present plan of labor organization—that is, organization by trades or industries—the assumption that there are limits to the extent of each trade is a necessary one. The second assumption, that the boundaries of a trade may be definitely determined, is abundantly justified by the countless instances of men of different unions working harmoniously on the same piece of work in trades very closely allied. The third assumption in the definition emphasizes the obvious, since in every dispute arising from overlapping trades each claimant to the work bases his demands upon what he maintains is the reasonableness and justice of the matter.

As has already been pointed out, each union claims the exclusive right for its members to work at the trade over which it claims jurisdiction. Practically all unions try to force men who work at the trade over which they claim jurisdiction to join their organization, and they do this on the ground that the men are working at a trade which belongs to the union.[2] The Lathers go so far as to provide

[2] See above, p. 41 ff.

for the fining of persons who refuse to join the union when requested to do so, and they take measures to enforce the fine.[3] It has also been pointed out that this right of exclusion is exercised against other unionists as well as against non-unionists.

Even within the same national union, where the membership is composed of workmen of several trades, the work of each trade is rigidly confined to the workmen of that trade. The Bricklayers, for instance, maintain a line of distinction between the work of the three crafts under their jurisdiction, and a member who is admitted as a workman in one line can draw a travelling card only for that line, unless he can prove that he is efficient in one of the other trades. Thus in Oklahoma a plasterer, who had drawn a card for that work, sought to redeposit it as a stonemason, but this was refused until he could show that he was a proficient mason as well as plasterer.[4]

If the trades controlled by the different unions were widely dissimilar, as, for instance, stone cutting and painting, there would be no occasion for demarcation disputes, but when two trades use the same or similar implements, as do bricklayers and plasterers, or differ only slightly from each other in the skill required, as is the case with stone cutters and granite cutters, it is not surprising to find differences of opinion in regard to the lines of division between them. But why should there be objection on the part of one union to allowing a member of another union occasionally to do part of its work? Why should not each union look with equanimity upon the overlapping of other trades, feeling certain at the same time that similar transgressions on the part of its members will also be condoned? This would seem to be the least troublesome attitude to take. There are very definite reasons, however, which impel unions to oppose every trespass upon their jurisdiction, even to the extent of physical assault, which may even be fatal to the intruders, as

[3] Constitution, 1905, art. viii, sec. 14.

[4] Report of the President, 1902, p. 165.

was the case in Chicago in the dispute between the Plumbers and the Steam Fitters.

The first, and possibly the chief, reason for this is that each union feels that at any given time there is a definitely limited amount of work to be done in its trade, and therefore, if another union does some of this work, the amount left for its members to do is correspondingly reduced. The same view is the basis of one of the most frequent arguments in favor of the shorter work day, namely, that reducing the number of working hours will prolong the work.[5] Here the purpose is to prolong the work by limiting the number of men who are permitted to do it. The wage-fund theory has long since lost its position of authority among economists, but it still maintains its prestige among the trade unionists.

The idea of limited demand for labor is present in every trade. The secretary of the Cleveland branch of the Stone Cutters complained some years ago that although there was a great deal of building going on, the stone cutters were not getting their share because of the use of sawed marble and terra cotta.[6] In Philadelphia the Allied Trades Council refused to allow any other trades to work with the Bricklayers because that union refused to recognize the right of the clippers and finishers, who belonged to the Pressers' and Finishers' Union, to do the terra cotta work. The Bricklayers claimed jurisdiction over all cutting and setting of terra cotta, since "terra cotta is a clay production of the same nature as brick; it is a product of the kiln just as a brick is." They pointed out as a justification of this claim that the demand for bricklayers to lay bricks is reduced by the use of terra cotta. On one building in Philadelphia, they said, it required eighteen hundred pieces of terra

[5] In the constitution of the Plumbers, as amended at Cleveland in 1898, the demand of the union for an eight-hour work day and Saturday half holiday is justified on the ground that "the plumbing business throughout the country is insufficient to furnish employment to more than fifty or seventy-five per cent. of the journeymen."

[6] Stone Cutters' Journal, May, 1892, p. 7.

cotta to go once around, and the whole building was to be faced in terra cotta. To quote from the secretary of the Bricklayers: "This immense job is all terra cotta on the outside, and on the inside there is not a brick to be laid; it is all backed up with cement. The wood cribbing necessary to do this is set up by a gang of laborers with a boss laborer. Then along come laborers with wheelbarrows full of cement and another gang stands ready to shovel it in. Not a mechanic is employed. Just think, where once it would have taken millions of bricks, a substitute consisting of a steel skeleton, terra cotta for the front and cement for the backing, takes their place, and the bricklayer's work is done by the laborer and the terra cotta worker."[7] As illustrating the same point of view held by a union acting on the offensive we find the branch of the Stone Cutters in Birmingham, Alabama, reporting that they were setting stone—work claimed by the Masons—and remarking that it was fortunate they could do both stone cutting and masonry, as otherwise they would not have very regular employment.[8]

A second important reason for insisting that each union keep to its own trade is found in the adherence of the unions to the doctrine of "vested interest," which in a sense is a corollary of the first reason. The full statement of this doctrine would run somewhat as follows: There is but a limited amount of work to be done by each trade, and therefore all the work pertaining to a trade should be left to those who have a vested interest in or right to that trade. The members of a union feel that, having devoted years to the acquirement of skill in a certain trade, and having spent energy and perhaps money in improving the conditions of work in that trade, they have a certain accumulation or investment in it which justifies them in resisting any attempt made by an outsider to encroach upon it.[9] This is claimed

[7] Report of the Secretary, December, 1901, p. 313.

[8] Stone Cutters' Journal, December, 1902, p. 10.

[9] "The journeyman's skilled labor is his capital and this property

by laboring men to be the position taken by physicians or lawyers, who strive to protect the vested interest they have in their professions by requiring examinations or by setting up other standards which must be met before the candidate is allowed to engage in practice.

The Slate and Tile Roofers, for instance, when the Sheet Metal Workers objected to their doing the tinning and copper work in connection with roofing, claimed that since they had been doing this work for fifty years they were entitled to regard it as part of their trade.[10] A rather novel example of the application of the doctrine of vested interest, and at the same time a pathetic illustration of the way in which men struggle unavailingly against the impersonal and unfeeling readjustments which are continually taking place in economic life in response to the demands of society as a whole, is shown by the attitude of the Pittsburgh branch of the Bricklayers toward the use of concrete. In 1903 the members of this branch addressed a letter to the builders of the city, appealing to them not to infringe on their "vested rights as citizens of the Commonwealth." They protested against the use of concrete and tile in place of brickwork, and further expressed disapproval of wire, metal, and concrete systems of fireproofing.[11] The secretary of the Wood, Wire and Metal Lathers urged the members of his union to demand jurisdiction over all lathing, and said that plasterers in some sections, notably Cincinnati and Wilkesbarre, were

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is as sacred as any other. The Shipwrights along the Clyde declare that the employer has no right to give away, nor any other laborer the right to take away, the work of another artisan" (Sidney and Beatrice Webb, Industrial Democracy, vol. ii, p. 514).

[10] Proceedings, 1906, p. 6.

[11] Report of the President, 1903, p. 51. In Philadelphia the Bricklayers made a similar appeal in defence of their vested interests (The Bricklayer and Mason, August, 1902, p. 5). In Annapolis, while erecting one of the Naval Academy buildings, the Bricklayers struck on the job because in putting up one of the inside walls concrete was being used instead of brick (Report of the President, 1903, p. 8).

doing lathing, and were claiming a right to the trade because they had always done their own lathing.[12]

A third cause for the objection of one union to an extension of jurisdiction by another union is a feeling of jealousy between them, which inspires them to quarrel bitterly over work which belongs to one no more than to the other and to which in many cases neither can offer any reasonable claim. The time of the convention of the Building Trades Council in 1902 was largely taken up with jurisdictional quarrels of this nature.[13] The Electrical Workers and the Plumbers disputed over the fitting of pipe for wires; the Steam Fitters and the Plumbers over sprinkler fitting; the Mill Woodworkers, the Stair Builders, and the Amalgamated Carpenters over "hatchet and saw" work. The jurisdiction claims of the Boiler Makers and of the Iron Shipbuilders, which one delegate said included everything but the building of Waterbury watches, were also discussed.[14] This same jealousy of the growth of another union was manifested at the Sheet Metal Workers' convention in 1903 in the adoption of a resolution protesting against the glazing of metal sash by painters, on the ground that the sheet metal workers had first introduced metal sash.[15]

A fourth ground for the opposition of unions to aggressions on their jurisdiction—the claim of superior competence—is one which is frequently advanced by unionists, but the sincerity of which is open to question. The union says in effect, "We do not object to trespassing on our work if the trespasser is competent to do the work." It may be presumed, however, that if a union had no other objections to infringement it would not oppose it on this ground, since the union would naturally allow the employer to judge of

[12] The Lather, February, 1902, p. 2.

[13] Proceedings, 1902, passim.

[14] Amalgamated Sheet Metal Workers' Journal, February, 1902, p. 33.

[15] Ibid., September, 1903, p. 205.

the competence of his employees and to suffer if they were incompetent.

At the convention of the Stone Cutters in 1892 a resolution was adopted demanding that masons and others who were not practical stone cutters be prohibited from cutting stone.[16] The same argument was used by the United Brotherhood of Carpenters in New York in a dispute with the Sheet Metal Workers as to which union was to control the erection of hollow metal doors and trim. The Carpenters of course acknowledged that the material was sheet metal and that the Sheet Metal Workers were competent to manufacture it, but claimed that they were not competent to erect it.[17] In cutting and fitting eighteen thousand sheets of plate glass in metal sash in the erection of the Belvedere Hotel in Baltimore a bitter and costly dispute occurred between the Brotherhood of Painters and the Sheet Metal Workers in which each union supported its claims to jurisdiction, among other reasons, on the ground of the incompetency of its rival to do the work.

Another reason for insistence on the demarcation of trades arises in the difference in the wages commanded by different trades. It is obvious that, other things being equal, an employer will buy his labor as cheaply as possible. Whenever he can get the members of a union with a lower scale of wages to do part of the work belonging to the more highly paid craft, he will seek to do so. There is always, therefore, a tendency for a low-wage trade to take over parts of the work of a more highly paid trade. The only defence against this that the unions possess is to oppose any encroachment by other unions upon their trade jurisdiction. In justification of a strike on the part of the Granite Cutters in Philadelphia against permitting the masons to do certain work on a building of the University of Pennsylvania, the Granite Cutters said: "The work is not within the masons' proper limits. The masons get less pay, and could, if we

[16] Stone Cutters' Journal, January, 1892, p. 7.

[17] Amalgamated Sheet Metal Workers' Journal, April, 1909, p. 127.

were disposed to permit such innovations, take away much of our work."[18] The same argument is often pushed to the extreme point of justifying the extension of trade jurisdiction over new kinds of work which displace work hitherto done by highly paid workmen. In 1903 Secretary Dobson of the Bricklayers, in arguing for the control of cement work by the Bricklayers, said: "The protection against encroachments on our trade classification . . . is a very important matter, . . . and eternal vigilance is required . . . to maintain our present claims, and at the same time, to reach out for more as new substitutes come along. There are certain kinds of cement work that take the place of brick and stone masonry and must be controlled by us."[19]

A final reason for the opposition to trade aggression is found in the fear that any overlapping will result in the training in a part of the trade of a number of men whom the employers can use to replace the union men in the event of a strike. There have been occasions in the history of nearly all unions that have had jurisdictional disputes over the boundaries of their trade when the places of members of one union have been taken during a strike by members of another union who had grown familiar with certain of the border-line features of the trade through the failure of the first union to maintain at all times its complete jurisdiction.

In Jamestown, New York, the Dahlstrom Sheet Metal Company had a plant whose workmen were members of the Sheet Metal Workers' Union. The company also erected its material in New York City. When Judge Gaynor decided that the erection of metal trim belonged to the Carpenters, the sheet metal workers in the factory at Jamestown struck to force the Dahlstrom Company to employ only sheet metal workers in their construction work in New York. While these men were on strike, the Carpenters offered to make an agreement with the company to supply

[18] Granite Cutters' Journal, August, 1885, p. 8.

[19] Report of the Secretary, 1903, p. 436.

men to manufacture and to erect the metal work. This agreement was made, and the Jamestown local union of the Sheet Metal Workers' Union, coerced and frightened by the threat that both the manufacture and the erection of metal trim was to be given to the Carpenters, joined that union, thus bringing the strike to an end. When the Sheet Metal Workers protested against this action, the Carpenters offered to turn these factory men back to them if they would agree not to call strikes against the Brotherhood of Carpenters when its members were erecting the material.[20]

Demarcation controversies, no matter how varied their origin may seem to be or how different the attendant circumstances, all arise from one of a few causes or from a combination of these. Such disputes can be traced to (1) changes in industrial methods, (2) the introduction of machinery, (3) the introduction of new materials, or (4) aggression, that is, the desire of the union to expand and grow.

Disputes arising from changing methods in industry fall into several classes as they are caused by the introduction of new forms of the division of labor, or by variations among different localities in the manner of executing work, or by changes in the work awarded to certain classes of contractors. Illustrations of the manner in which each of these changes in industrial methods may produce a demarcation dispute will be given.

Changes in industry manifest themselves chiefly in new forms of the division of labor. These occur so rapidly and so continuously that it is impossible for any labor organization to readjust its jurisdiction in accordance with each new division. A union which does work that was once part of the work of another craft is almost certain to have demarcation disputes with the older association. Thus, the Wood, Wire and Metal Lathers indicted the Plasterers and the United Brotherhood of Carpenters before a convention of the American Federation of Labor because these two

[20] Proceedings, Building Trades Department, 1909, p. 82 ff.

organizations claimed the right to put on lath.[21] Not more than a generation or two ago the trade of masonry was regarded as including the cutting as well as the setting of stone, but at present in nearly all sections of the country this work is divided into two trades. The Granite Cutters and the Stone Cutters have continually had trouble with the masons belonging to the Bricklayers and Masons because the latter persisted in disregarding the division between the work of stone cutting and that of stone setting. During 1886 the local union of the Granite Cutters at Amsterdam, New York, had a long dispute with the Masons who were cutting granite for foundations which would appear above ground, such as those for bay windows.[22] A strike affecting two hundred granite cutters occurred in Philadelphia during August, 1885. A contractor, repairing the stone work on some of the buildings of the University of Pennsylvania, put two masons at work cutting and trimming the stone. The Granite Cutters who worked for this same contractor threatened to strike on all his jobs on which they were working unless he would withdraw these masons, or stone setters, and put granite cutters in their places. This he refused to do, claiming that such work had always been done by masons, and when his granite cutters struck, all the employers in the city locked out the union.[23] On the other hand, the Masons not infrequently engage in a demarcation dispute with the Stone Cutters because the latter set stone as well as cut it. This was the cause of a strike in Pittsburgh in 1903. In Washington during 1904 a very complicated situation came about, involving the Granite Cutters, the Stone Cutters, and the Masons, because of the divisions and subdivisions of labor in the cutting and setting of stone. The Masons claimed the right to cut stone for certain uses, no matter what its material or hardness, and to set all stone. The Granite Cutters made no claim to

[21] The Lather, December, 1902, p. 10.

[22] Granite Cutters' Journal, December, 1886, p. 4.

[23] Ibid., August, 1885, p. 8.

setting, but they demanded the exclusive right to cut all granite, while the Stone Cutters maintained their right to cut all soft stone and also to set it. The dispute was finally settled by arbitration.[24]

An excellent example of the way in which a new division of labor leads to jurisdictional disputes is furnished by the frequent and bitter quarrels which have raged about the construction and installation of elevators in Chicago. This work has been claimed in whole or in part by Elevator Constructors, Machinists, Electricians, Millwrights, Plumbers, Ornamental Iron Workers, and Structural Iron Workers. The whole work was formerly done by the Elevator Constructors, but when they struck for an increase in wages in Chicago, the Machinists took their places and have since claimed part of the work. The Electricians now claim the electrical work in connection with elevators, the Millwrights claim part of the work, and the Steam Fitters and the Plumbers both dispute with the Elevator Constructors for the hydraulic work.

Differences in the form of the division of labor in different communities also give rise to numerous disputes. The new method may be introduced by an employer coming into the section from another district and bringing with him the classification of his former establishment, or it may be brought in by workmen who travel from one place to the other. However introduced, if it causes any considerable realignment, disputes are bound to arise. After many disagreements between the Sheet Metal Workers and the Bridge and Structural Iron Workers because of different customs in different communities in the erection of steel sheeting, it was agreed that the organization which then had admitted possession of the work in any locality should remain undisturbed, but in those districts where the work was in dispute the union receiving the highest rate of wages and the best working conditions should have the work.[25]

[24] Report of the President, Bricklayers and Masons, 1904, p. 4 ff.

[25] Amalgamated Sheet Metal Workers' Journal, December, 1909, p. 502.

The Granite Cutters protested at their convention in 1896 against the action of the Masons in preventing the granite cutters of Chester and Pittsfield, Massachusetts, from cutting stone jambs, door sills, and corners unless they should become members of the local union.[26] In a great jurisdictional dispute in Philadelphia during 1905 conditions were reversed, and the masons were the aggrieved party because the Granite Cutters claimed the right to set granite in that community.[27]

The national or international unions must of course have uniform claims to trade jurisdiction throughout their territory, and they cannot modify these in harmony with the customs in each locality. It is quite common, when a national union brings one of its local unions to account for permitting certain violations of the trade jurisdiction of the national union, to hear the members of the local union reply that they were merely following the custom of their community.

Convenience frequently leads to the awarding of contracts or the execution of them in such a manner as to result in demarcation disputes. Not infrequently a building contractor finds it expedient to sublet what from the standpoint of the union are several distinct kinds of work to the same subcontractor, who will seek to use the same group of men through all stages of his work. The convenience of this arrangement is often offered as justification for the trespasses of one union upon the jurisdiction of other unions. In the dispute over the glazing of metal sash in the Belvedere Hotel, Baltimore, already mentioned, the Sheet Metal Workers claimed that they ought to do this work because the contractor who took the contract to put up skylights and metal sash in a building had of necessity to include in his contract the glazing.[28] In this case, however, the Brother-

[26] Proceedings, 1896, p. 75.

[27] Report of the Officers, Bricklayers and Masons, December, 1905, p. 165.

[28] Amalgamated Sheet Metal Workers' Journal, November, 1903, p. 265.

hood of Painters and Decorators, of which the glaziers are members, was able to point out that the contract for glazing was let separately and was awarded to a painting contractor. When conflicts have occurred over this work in Chicago, the sheet metal contractors have insisted that it is preferable for their men when working on skylights and windows to place the glass.[29]

Demarcation disputes are not often directly due to the introduction of machinery. They may arise, of course, through a dispute between the union of machine operators and the handicraftsmen as to whether certain work can properly be done on the machine, but a union strong enough to draw a fine jurisdictional line against machine work would probably be strong enough to keep machines out of the trade. In 1901 the men who ran the planers in New York, who were organized in a union independent of the Stone Cutters, complained that the Stone Cutters were doing work which properly belonged to the machine men.[30] Ordinarily, however, where the autonomy of the machine union has once been recognized there is no difficulty in drawing a line of demarcation.

There is another less tangible aspect of the introduction of machinery in its relation to jurisdiction. Any extended use of machinery always brings about a certain standardization of the product, and this tends to bring into use, for setting up or placing the product, a class of workmen who need only a small degree of manual dexterity instead of a complete knowledge of the trade.[31] These relatively un-

[29] Report on Trade Jurisdiction Disputes in Chicago, 1912. By Building Employers' Association.

[30] Stone Cutters' Journal, March, 1901, p. 6.

[31] The great increase in the use of machinery and the resultant necessary assembling of machines and men in one place—the shop—has greatly reduced the amount of work done on the job. This tends toward the substitution of unskilled workmen both on the job and in the shop. In the latter the division of labor, the use of machinery, and the repetition of uniform tasks make unnecessary a knowledge of any particular trade, while on the job special skill is also rendered unnecessary by the fact that the chief work is the

skilled workmen tend to displace the skilled mechanics, and wherever these two classes meet there will be a conflict of jurisdiction. Since the manufacture of standard parts and joints for plumbing the amount of skill necessary to work at the plumbing trade has steadily decreased. Some of the most ornate and beautiful examples of plastering, which formerly required almost the skill of an artist to produce, are now made up in factories in the shape of strips or squares on a back of burlap or canvas, and they can be placed in buildings almost as well by laborers as by skilled workmen. This whole tendency toward standardization, which is the accompaniment and the necessary aim of the introduction of machinery, offers a fruitful source for trade disputes not only between skilled and unskilled workmen, but more often between men of nearly equal skill, though in different trades. For example, the introduction of certain standard forms for decorative plastering has caused trouble, on the one hand between the Plasterers and the Carpenters, and on the other between the Plasterers and the Painters and Decorators.

So numerous are the disputes growing out of the introduction of new materials that it might well be maintained that if no more new materials were introduced into the construction of buildings the unions in the building trades would gradually reach an adjustment of their claims which would almost entirely eliminate demarcation disputes. There is a general correspondence in the attitude of trade unions toward new materials coming into the trade and their attitude toward machinery. If the use of the materials threatens to displace the members of the union, the attitude of the union is in many respects the same as where

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assembling of materials which have already been prepared in the factory or mill. Of course the trades being displaced object, and disputes as to jurisdiction arise. This change from skilled to unskilled work also makes it unnecessary for a workman to serve an apprenticeship. This removes the chief foundation on which claims to jurisdiction are built.

machinery is introduced. Moreover, the methods of opposing the use of the new materials are analogous to those used in opposing the introduction of machinery. If, on the contrary, the use of the new materials does not displace the members of the craft, or if their use adds to the amount of work the trade can claim, the new materials will be welcomed. The Bricklayers encouraged the use of fireproof tiling, but opposed the use of concrete. One method of discouraging the use of concrete was to insist that the work should be done by bricklayers, with the result that concrete work was made more expensive than brick or stone. They have steadily tried to discourage its use by claiming that it is unsafe, and their official journal and proceedings are full of references to collapsed concrete buildings. They appeal to the officials in charge of public works to use materials controlled by them, and on new private construction they exert whatever influence they can to secure the same result.

Out of the great number of jurisdictional conflicts which are caused by the members of one trade working on materials claimed to be under the control of another it will be possible to consider only a few typical examples. The Journeymen Stone Cutters in 1901 had trouble in Pittsburgh with the Bricklayers concerning the cutting of terra cotta, which the Bricklayers claimed because, as they said, they had jurisdiction over everything made of clay.[32]

The Bricklayers are particularly exposed to jurisdictional troubles because the union includes the three trades of bricklaying, plastering, and masonry, each of which works with a separate material. Disputes arose in Boston and Philadelphia during 1902 over the question of the right to put up plaster block partition. This work was claimed by the Operative Plasterers as plastering, and by the Bricklayers as part of bricklaying. The blocks are manufactured ready to set up, but in preparing the bed and the cross joints plasterers' tools are used. The Bricklayers, how-

[32] Stone Cutters' Journal, March, 1901, p. 16.

ever, claimed this "as well as any other substitute that takes the place of brick and tile." An effort was made by the Bricklayers to get the manufacturers of the plaster blocks to agree to allow the work to be directed only by bricklayers, but this failed, for the manufacturers were engaged also in the sale of stucco-hair and cement, and therefore were unwilling to discriminate against the Plasterers, who might boycott their other goods. The Bricklayers were therefore forced to use other means of securing jurisdiction. In Philadelphia the Operative Plasterers refused to plaster a building where plaster block partitions were to be used unless they were allowed also to put up the plaster block. On the other hand, the stonemasons, who are in the same national union as the bricklayers, refused to do any more work on the building unless the plaster block work should be given to the Bricklayers. It was finally so awarded, and the Operative Plasterers then quit work on the building. The president of the Bricklayers brought in plasterers from their branch in Atlantic City, and they completed the plastering.[33]

The new and rapidly increasing use of hollow tile and block arching for fireproofing caused considerable trouble for the Bricklayers, and their president continually urged the local unions to secure exclusive control of this new work as it came into use. During 1905, disputes with laborers' organizations over such work occurred chiefly in New York, Buffalo, Philadelphia, Pittsburgh, and Louisville.[34] The increasing use of concrete absorbed a great deal of the union's attention, as this development has threatened to replace bricklayers by ordinary laborers who could mix and shovel in concrete.[35] A committee on con-

[33] Secretary's Report to the Bricklayers' Union, 1902, p. 361.

[34] Annual Report of the Secretary, December, 1905, p. 391.

[35] Report of the President, December, 1903, p. 4. The president approved the attitude of the Pittsburgh union, which claimed all concrete work for bricklayers, and urged that such concrete be shoveled into place with "small sugar scoops," so as to make its use more expensive than brick and stone.

crete has been an almost perennial affair in the conventions of the Bricklayers. The use of exterior tile veneer in the construction of buildings in San Francisco caused a dispute during the latter part of 1907 between the Bricklayers and the Tile Layers, in which the Bricklayers claimed jurisdiction over all exterior tile work.[36]

The Sheet Metal Workers' Union has had many jurisdictional struggles caused by the introduction of new materials. Its continued dispute with the United Brotherhood of Carpenters is perhaps the most important. Almost every issue of the official organ of the Sheet Metal Workers during 1909, 1910, and 1911 makes some mention of controversies with the Carpenters, who had flatly refused to comply with the decision of the Tampa Convention of the American Federation of Labor which conceded the manufacture and erection of hollow metal doors and trim to the Sheet Metal Workers. The Carpenters claim this work, as has been said, on the ground that it takes the place of work formerly done by them and has been fast supplanting wood work in large buildings.[37] The Sheet Metal Workers have also had frequent and bitter disputes with the Painters over the glazing of metal sash. The former contend that the glass must be capped and soldered with Sheet Metal Workers' materials and therefore should be under their trade jurisdiction. The manufacture, erection, and installation of metal furniture has caused a number of demarcation quarrels between the Sheet Metal Workers and the Structural Iron Workers, with the decision by the Building Trades Department in favor of the former.[38]

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[36] The Bricklayer and Mason, July, 1899, p. 1.

[37] In Chicago, during 1912, this conflict in jurisdiction caused trouble in work on the Jewish Temple and the Insurance Exchange Building. One contractor was erecting both buildings, and the Carpenters threatened that if the work in dispute on the Temple should be given to the Sheet Metal Workers, they would tie up work on the Exchange Building. The Sheet Metal Workers threatened that if it was awarded to the Carpenters, they would refuse to erect the sheet metal work on the Exchange Building.

[38] Amalgamated Sheet Metal Workers' Journal, March, 1909, p. 95.

The Composition Roofers, Damp and Waterproof Workers have had disputes with the Painters over the question of applying a waterproofing solution to the walls of buildings. During 1906 the Slate and Tile Roofers were driven off a building in Boston by the Bricklayers, who claimed the work. The material was known as Promenade Tile Roofing, and it was claimed by the Bricklayers on the ground that it was made of clay and that they had jurisdiction over all clay products. It was also claimed by the Ceramic, Mosaic and Encaustic Tile Layers because the material was the same as that of which some tiled floors are made.[39]

Probably no union has experienced more difficulty on account of opposing claims to the materials it uses than the Wood, Wire and Metal Lathers. The introduction of every new form of lathing material has meant a jurisdictional contest. The work of putting up wire and metallic lath, which is one of the basic claims of the union, has also been claimed by the Structural Iron Workers and the Sheet Metal Workers.[40] In the matter of putting on plaster board the Lathers have had to contend with the United Brotherhood of Carpenters.[41] At the convention of the National Building Trades Council the Brotherhood of Carpenters sought to have passed a resolution declaring that channel iron studding and bracket work were gradually taking the place of wood studding, and that therefore such work belonged to them or, in localities where they had no branches, to the Structural Iron Workers.[42] This resolution was defeated and the work awarded to the Lathers. In the erection of the World's Fair Buildings at St. Louis a dispute of considerable magnitude and long duration occurred between the Brotherhood of Carpenters and the Lathers over the putting on of Burkett Lath, the work finally being awarded

[39] Proceedings, Slate and Tile Roofers' Union, 1906, p. 6.
[40] The Lather, February, 1902, p. 2.
[41] Ibid., September, 1903, p. 22.
[42] Ibid., May, 1906, p. 22.

to the Lathers.[43] Besides the foregoing, the Lathers have had demarcation disputes with the Sheet Metal Workers in regard to putting up metal studding to hold lath; with the Structural Iron Workers over the erection of light iron furring, brackets, clips, hangers, and steel corner guards or beads, and with the same union over the placing of the iron rods for reinforced concrete and over the installing of the metal netting used for fireproofing and concrete flooring.

A final cause of demarcation disputes is the spirit of aggression coming from the desire on the part of a union to grow and expand. In the pursuit of this ambition a union will attempt to obtain work which is claimed by another and usually a weaker association. It can scarcely be doubted that many of the claims to jurisdiction over work put forward on other grounds have their real basis in the ambition of the union officials. It is not often that this desire to take over the work of another union is expressed so frankly as it was by one of the branches of the Stone Cutters. It was proposed by this branch that, since disputes were constantly occurring between the stone cutters and the masons, and since the introduction of machinery was likely to displace many stone cutters, stone cutter apprentices should be taught to set stone, so that in case of dispute or scarcity of work in their own trade they could do the work of masons.[44] The Bricklayers in Scranton became involved in a dispute with the Structural Iron Workers because the Bricklayers claimed the right to place iron girders in position when the work required only a few pieces,—"odds and ends," as they called them.[45] In 1911 the Bricklayers were much aroused over the tendency of the Cement Workers to enlarge their jurisdiction by claims to set cement and tile blocks, cement floors, artificial stone, and all plastering work in which cement is used.[46]

[43] The Lather, July, 1903, p. 26.

[44] Stone Cutters' Journal, September, 1902, p. 9.

[45] Report of the President, 1903, p. 7.

[46] The Bricklayer and Mason, August, 1911, p. 1.

At the Sheet Metal Workers' convention in 1904 a resolution was adopted urging the executive board to endeavor to consolidate the Slate and Tile Roofers with their organization, and to provide that in localities where there are not sufficient men to form a separate local union of slate and tile roofers they be compelled to join the local union of sheet metal workers.[47] The president of the Sheet Metal Workers in his report to one of the conventions,[48] after emphasizing the necessity of defending their established trade jurisdiction, said, "There is a very apparent disposition, shown by a number of trades, to broaden their trade jurisdiction lines, and in so doing they show no hesitancy in encroaching upon the jurisdiction of others." The Granite Cutters gave expression to the same spirit of aggression by inserting in their constitution of 1909 the following clause: "Branches reserve the right to set all stone cut by members of our International Association if so desired."[49]

The members of the Baltimore local association of the Lathers sought to extend their jurisdiction at the expense of the Carpenters when in 1904 they struck to enforce their claim to wood centering, which the Carpenters had been doing. The president of their national union, however, notified them that such work belonged to the Carpenters and that their charter would be revoked unless they returned to work.[50] In 1905 the secretary of the Lathers suggested that the name of the organization be changed from the Wood, Wire and Metal Lathers' International Union to Lathers' International Union, on the ground that the latter title was expansive and might be made to cover more work.[51] A few months later at the Toronto convention,

[47] Proceedings, 1904, p. 240.

[48] Amalgamated Sheet Metal Workers' Journal, October, 1908, p. 375.

[49] Constitution, 1909, sec. 141.

[50] The Lather, September, 1904, p. 13.

[51] Ibid., May, 1906, p. 21.

in speaking of the jurisdictional claims of the union, he said: "In this respect we differ from nearly every other building trades organization. We do not endeavor to push out our authority over work not plainly in line with that which our craft should control. . . . We are not continually adding to our jurisdiction claims."[52]

While hardly rising to the importance of being classified as a cause of jurisdictional disputes, the trade-union politician and grafter, who preys alike upon unionists and employers, is an element in preventing the settlement of such disputes. This individual is in the labor movement for his personal profit, and his most successful operations are made possible by conflicts between unions over the problems of jurisdiction. By playing off one organization against the other and by urging an aggression here or there, he divides the labor camp into hostile parties, so that conditions are ripe for sympathetic strikes—the usual weapon adopted by unions to enforce their claims to work in dispute. With this as a club, he forces employers, hurrying to complete a contract, to stand and deliver, or, if a strike has been inaugurated, it can be ended in many cases only by a satisfactory payment to the labor politician. More than any other part of the trade-union world the building-trades unions have suffered from this type of local labor leader, and the explanation lies largely in the greater prevalence of jurisdictional disputes in that group.

It was said above that if all changes in industry were to cease, demarcation disputes would become few in number. There are, however, certain disputes which may be said to have their origin in the difficulty of distinguishing with any degree of precision the exact line of demarcation between two trades. It is conceivable that such disputes might ultimately be settled, but they persist for such long periods that they may almost be regarded from the standpoint of origin as a separate class. Granite Cutters and

[52] The Lather, October, 1906, p. 18.

Stone Cutters work on material so similar that the two organizations could scarcely avoid dispute. The stone cutters work upon softer material than do the granite cutters, but it is frequently hard to tell where to draw the line of division. At one time, in order to settle a dispute, the stone in question was sent to the Smithsonian Institution for analysis to determine whether it was a hard or a soft stone. The records of the two unions are full of jurisdictional quarrels caused by the question of the materials used. One of the branches of the Stone Cutters reported that it had been having a good deal of trouble with the blue-stone cutters and was trying to get them to join their branch,[53] while the Washington branch of the Stone Cutters fined some granite cutters for working on marble, which they said belonged to the stone cutters.[54]

In determining jurisdiction there appears also to be great difficulty in applying the criterion of the tool used. A very large part of the disputes of the Granite Cutters grow out of their insistence on the use of certain tools as a distinctive characteristic of the trade. In the erection of the Washington monument at Washington in 1883 a dispute occurred between the Granite Cutters and the Stone Cutters because the engineer in charge of the work transferred some of the granite cutters to marble cutting. The Stone Cutters claimed that the Granite Cutters had no right to use the mallet, but that they themselves had every right to use the bush-hammer.[55] In every constitution and every statement of jurisdiction claims the Granite Cutters demand all cutting and carving of stone in which granite cutters' tools are used. In the constitution of 1905 an expansion of claims is shown when jurisdiction is asserted not only over all work in which granite cutting tools are used, but also over granite cutting machines "and the making up, sharpening or dressing said tools either by hand or machine."[56] During 1910

[53] Stone Cutters' Journal, August, 1897, p. 9.
[54] Ibid., March, 1901, p. 9.
[55] Granite Cutters' Journal, October, 1883, p. 5.
[56] Constitution, 1905, sec. 3.

Secretary Duncan called attention to the numerous disputes which were occurring between the Granite Cutters' Union and the Pavers and Rammers over the question of cutting and trimming stone for street work. These disputes occurred especially in New York and San Francisco, but everywhere the claim of the Granite Cutters was based on the same ground, that is, the exclusive right to cut all stone, whether used for paving or building, upon which granite cutters' tools are used.[57]

The Slate and Tile Roofers, because of contentions with the Sheet Metal Workers, decided to omit the shears or snips from the emblems of their craft, and to claim only such metal work in connection with slate and tile roofing as required no soldering.[58] The practice of the Stone Cutters is similar to that of the Granite Cutters except that the former claim control over tools used for cutting soft stone, whereas the latter's jurisdiction applies to hard stone. The mallet, mash hammer, and chisel are regarded as peculiarly stone cutters' tools, while the use of the stone pick is discouraged, as it is not regarded as belonging to stone cutters.

Secretary Dobson of the Bricklayers and Masons, in commenting on a long jurisdictional dispute between the Stone Masons and the Granite Cutters in Philadelphia, said that the controversy was waged not only over the right to do certain work, but also over the right to use certain tools. This latter demand he considered to be carrying things too far, and said that as long as each man observed the proper demarcation of his trade there ought to be no restriction as to the tools he wished to use.[59] A similar dispute occurred in Boston in 1904 between the Sheet Metal Workers and the Plumbers because members of the latter association were using sheet metal workers' tools in their work.[60]

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[57] Granite Cutters' Journal, October, 1910, p. 4.

[58] Proceedings, 1903, p. 10.

[59] Annual Report, December, 1905, p. 335.

[60] Proceedings, Sheet Metal Workers, 1904, p. 236.

CHAPTER V

The Cost of Jurisdictional Disputes

Having noticed the characteristics and the causes of jurisdictional disputes, we shall now seek to obtain some adequate conception of the evil results of these controversies. The actual money cost of jurisdictional conflicts, considerable as it is, is almost insignificant as compared with the less ponderable but none the less real costs to the unions and the public. The treatment divides itself conveniently into (1) a general consideration of the evils involved, and (2) an examination of the specific costs (a) to the unions themselves, (b) to the employer, and (c) to society.

To one who studies the history of trade-union development or observes the present activities of the unions, one of the most obtrusive facts is the frequent and almost interminable disputes between different organizations or between different branches of the same organization over the question of jurisdiction in one form or another. An examination of the records for the past twenty years of the American Federation of Labor, into which as a sort of melting pot the contending parties pour their quarrels with the hope that, by the addition of the elements of conference and agreement, peace will result, shows the great frequency and bitterness of these disputes as well as the necessity for overcoming them if labor is to attain really effective combination.

As was pointed out earlier in this study, conflicts over jurisdiction may be expected to arise chiefly when labor organizations are numerous, when trades are much subdivided, and when changes in materials and methods are occurring rapidly. We expect, therefore, to find in the building trades of the present day, where these conditions are present in the greatest degree, numerous and bitter con-

flicts. But such controversies are not limited to recent years[1] or to the building trades. Sidney and Beatrice Webb include all English organized labor when they say, "It is no exaggeration to say that to competition between overlapping unions is to be attributed nine-tenths of the ineffectiveness of the Trade Union World."[2]

The convention proceedings of the American Federation of Labor each year contain extensive references by the president or the executive council to the prevalence of jurisdictional disputes. In his report to the convention in 1903, for instance, President Gompers called attention to the grave dangers which confronted the organization by reason of the many jurisdictional disputes. Many efforts, he said, had been made to settle them by arbitration and agreement, but the unions frequently refused to accept the awards of an arbitrator, and insisted on their own narrow interpretation of jurisdiction. He pointed out that during the year there were requests from unions for the revocation of no less than thirty charters of international unions. Some unions which had no jurisdiction troubles had deliberately put themselves in the way of them by extending their claims to jurisdiction for no better reason than that other organizations had extended theirs.[3] At the same convention the executive council of the Federation reported as follows: "The Executive Council regrets to state that much of its time has been unavoidably taken up with the settlement or

[1] In some of our earliest records of industry are found these disputes as to demarcation of trades. Thus, "the quarrels raged so fiercely between the London cordwainers and the 'cobblers from beyond sea' that the King in 1395 commanded John Fresshe . . . 'that it should be determined what of right should belong to one party and the other.'" It was then decided "that no person who meddles with old shoes, shall meddle with new shoes to sell." This did not settle the matter, however, so that it was followed a few years later by an order apportioning the work, and giving to the cobbler "the clouting of old boots and old shoes with new leather upon the old soles, before or behind" (Webb, vol. ii, p. 511).

[2] Vol. i, p. 121.

[3] Proceedings, 1903, p. 18.

attempted settlement of jurisdiction disputes. Despite the fact that your body in convention assembled has repeatedly declared for peace between the unions, and has advocated the submission of all matters in dispute to the arbitrament of third parties, the jurisdictional disputes seem to grow in number and in intensity . . . The Executive Council feels called upon to issue to the unions composing this body a solemn note of warning as to the dangers which lie in the continuance of jurisdiction disputes. Many of the unions appear to be more engrossed in the problem of securing new adherents from unions already existing, or to extend the work of their members at the expense of other organizations, than they are in resisting the aggressions of employers, or securing higher wages, shorter hours, and better conditions of work."[4]

In spite of the exhortations of President Gompers and the warnings of the executive council, disputes continued to arise with unabated frequency. In 1908, during the eleven days in which the convention of the Federation was in session, there were nineteen cases of jurisdictional disputes under consideration.[5] To each of these disputes

[4] Proceedings, 1903, p. 76. Among the conflicts considered by the executive council in this one year were: dual unions among the Sheet Metal Workers; Team Drivers v. Teamsters; Iron Molders v. Coremakers; dual unions among the Upholsterers; Metal Mechanics v. Plumbers; Ladies Garment Workers v. Laundry Workers; Laundry Workers v. United Garment Workers; Brewery Workers v. Engineers and Firemen; Sheet Metal Workers v. Painters; United Brotherhood v. Amalgamated Carpenters; Blacksmiths v. Allied Metal Mechanics; Plumbers v. Steamfitters; Metal Mechanics v. Metal Workers and Machinists; Carpenters v. Woodworkers; Brewery Workers v. Teamsters; Longshoremen v. Seamen; Wood, Wire and Metal Lathers v. Carpenters; Silk Workers v. Textile Workers; Bakers v. Teamsters and v. Retail Clerks; Teamsters v. Brotherhood of Railway Expressmen; United Mineral Mine Workers v. National Association of Blast Furnace Workers and Smelters; Railroad Telegraphers v. Street and Electric Railway Employees; and Blacksmiths v. United Mine Workers (Proceedings, 1903, p. 76 ff.).

[5] Proceedings, 1908, passim.

there were at least two parties. This makes the number of unions involved at least thirty-eight, and when one further thinks of the number of members in these thirty-eight unions, some idea will be afforded of the extent to which the labor world is disrupted and agitated by such disputes. In addition, it should be kept in mind that the jurisdiction disputes considered by the convention or by the executive council of the American Federation of Labor do not represent more than a fractional part of such difficulties, for only those disputes which have attained the dignity of national importance—that is, of being discussed by the national officials of the two contending unions—are considered by the Federation. Besides these there are almost countless controversies over jurisdiction. Each national union has from a dozen to several hundred local unions under its authority; each one of these thousands of subordinate unions is likely at some time to have its trade infringed upon by a branch of another national union, and these disputes may be and frequently are settled locally and so do not become an issue between the national unions. Moreover, there are many jurisdictional disputes between branches of the same national union which are settled without recourse to the American Federation of Labor. The national unions also ordinarily dispose of local dual unions without recourse to the Federation.[6]

The American Federation of Labor was relieved of some of the burden involved in the consideration of jurisdictional disputes by the formation in 1908 of the Building Trades Department, to which all matters affecting particularly the building trades are referred. Since, as has been noted, the building trades offer the most fertile field for jurisdiction

[6] The president of the Lathers, in an address to the convention of that union in 1908, called attention to the frequency and gravity of jurisdictional disputes in which the union was involved, and said, "I have appeared before different communities at least twenty times during the past year to fight off encroachments upon our jurisdiction claims" (Proceedings, 1908, p. 6).

difficulties, the establishment of the Department has resulted in the transfer of the greater part of these disputes to it, though the Federation as a kind of appellate court still passes upon many contests in which building-trades unions are participants. The records of the Building Trades Department show no diminution in the number of jurisdictional disputes. The delegates sent by the Plumbers to the convention of the Department in 1909 reported that the time of the convention was taken up mainly by jurisdictional controversies, and they added, "The situation is getting to be a critical one throughout the entire country and with all the building trades."[7] Some twenty jurisdictional disputes were considered by the convention of 1910,[8] and in 1912 eighteen disputes were referred to committees.[9] In addition, a number of disagreements which had developed from jurisdictional difficulties were discussed.

Besides their great number, there is another aspect of jurisdictional disputes which must be considered in any appraisal of the cost of such conflicts. This is the bitterness, hostility, and enmity which they arouse between the participants. Even when the dispute is only of short duration there is certain to be some bitterness left and some soreness felt, and in those cases where the quarrel extends over a number of years, as in the jurisdictional conflicts between the Plumbers and the Steam Fitters and between the United Brotherhood of Carpenters and the Sheet Metal Workers, the members of one union are likely to come to look upon the members of the other organization as their natural enemies. At the convention of 1902 of the American Federation of Labor, President Gompers said: "Beyond doubt the greatest problem, the danger which above all others threatens not only the success, but the very existence of the American Federation of Labor, is the question of

[7] Plumbers, Gas and Steam Fitters' Official Journal, November, 1909, p. 4.

[8] Proceedings, Building Trades Department, 1910.

[9] Proceedings, Building Trades Department, 1912.

jurisdiction. I am firmly convinced that unless our affiliated national and international unions radically and soon change their course, we shall at no distant day be in the midst of an internecine contest unparalleled in any era of the industrial world, aye, not even when workmen of different trades were arrayed against each other, behind barricades in the streets over the question of trade against trade. I submit that it is untenable and intolerable for an organization to attempt to ride rough shod over and trample under foot the rights and jurisdiction of a trade, . . . which is already covered by an existing organization."[10] The bitterness engendered by the long controversy between the United Brotherhood of Carpenters and the Amalgamated Woodworkers was so great that these unions declared firms "unfair" which employed members of the opposing union, even when full union conditions of employment prevailed.[11]

From this depressing general view of the results of jurisdictional disputes[12] let us turn to a consideration of the cost specifically chargeable to such disputes, first of all to the unions themselves. These costs may be grouped under three headings: (a) loss of money, (b) impairment of organization, and (c) the creation of hostile public opinion.

It will of course be impossible to give the actual monetary loss sustained by the various unions by reason of jurisdictional disputes, since this loss is composed of many different elements, such as loss of wages, strike benefits, and cost of

[10] The Steam Fitter, April, 1903, p. 2.

[11] Proceedings, American Federation of Labor, 1906, p. 73.

[12] President Gompers, in his report to the convention of 1905 of the American Federation of Labor, managed to find a slight element of advantage in the existence of jurisdictional disputes. He said: "None will dispute the fact that with you I deeply deplore the jurisdictional controversies, and particularly when they assume an acute and often bitter antagonistic attitude; but that they have developed a high order of intelligence in discussion among our unionists, keen perception in industrial jurisprudence, is a fact which all observers must admit. That these acquirements and attainments will be of vast advantage in the administration and judgment of industrial affairs, no thinker dare gainsay" (Proceedings, 1905, p. 23).

agents of the union. Not only is money spent in maintaining the organization during the trouble, but also in building it up again after the conflict is over. The greater number of such expenditures are undifferentiated in the accounts of the union, and indeed are impossible of any precise separate measurement, but from such stray facts and official comments as we have, it is clear that the amount of money spent by the building-trades unions upon jurisdictional controversies, directly and indirectly, represents one of the largest items in their budgets. For instance, the expense must have been very heavy not only to the Steam Fitters but to other unions as well when the Steam Fitters were on strike during the first six or seven months of 1910 to gain control of the pipe-fitting industry in New York.[13] A consciousness of the heavy cost of jurisdictional difficulties is shown in the following statement of President Short, made at the session of the Building Trades Department in 1911: "The jurisdictional disputes which have become the bane of our lives must end, and the only way this enormous loss of money to our membership can be ended is by loyalty to this Department."[14] The president of the Hod Carriers' and Building Laborers' Union said in 1908 that their local union in Chicago had recently been "drawn into one of those cursed jurisdictional fights between the Carpenters and the Electricians, which put five hundred of our men upon the street for five weeks . . . Instead of wasting our strength, time and money in fighting one another, we should devote it to organizing the unorganized."[15]

A more definite statement of the money cost to the unions is found in the report of the United Association of Plumbers to the Building Trades Department that in Toronto their members had been locked out by the employers on account

[13] Interview, Business Agent Moore of the Baltimore Plumbers, November 8, 1910.

[14] Proceedings, Building Trades Department, 1911, p. 35.

[15] Official Journal [Hod Carriers and Building Laborers], August, 1907, p. 3.

of the dispute with the Steam Fitters, and that the union had spent about fifty-three thousand dollars in the fight. In spite of this, the Steam Fitters had established there a local union composed mainly of members of the Plumbers' Association who were in arrears with their dues.[16] The Elevator Constructors had a serious and costly dispute with the Machinists in Chicago over the installation of pumps connected with hydraulic elevators. A strike resulted which lasted for more than two years, during which most of the elevator men in the city were out of work, while members of the Machinists and other unions supplied their places with the Otis Elevator Company. Finally, on May 1, 1911, the Elevator Constructors as the result of an agreement went back to work, and the Machinists were displaced. From that time on, the Elevator Constructors were treated as "scabs" by the Machinists; they were beaten and even killed, so that the union was forced to hire detectives to protect its members and to convict the "sluggers." This difficulty alone cost the union thousands of dollars.[17] The losses in wages due to disputes are not often estimated by trade-union officials, but we occasionally come across such estimates. For instance, in 1910 the secretary of the Bricklayers said: "Our disputes with the Operative Plasterers' Union during the past year have taken thousands of dollars out of our International treasury for the purpose of protecting our interests. The loss in wages to our own members has amounted to at least $300,000. The losses to our employers have been up in the thousands also. . . . In several instances the writ of injunction has been brought into play for the purpose of restraining unions involved in trade disputes and unless the unions . . . provide some

[16] Proceedings, Building Trades Department, 1908, p. 51.

[17] Interview, General Secretary Young of the Elevator Constructors, June 29, 1911. Mr. Young estimates that the Elevator Constructors, with about 2000 members, have spent in less than ten years $75,000 in defending themselves and their trade from the aggressions of other trade unions.

means of eliminating jurisdictional warfare, it is only a question of time when the legislatures of our country will be called upon to pass laws that will penalize labor unionists who indulge in such struggles."[18]

In the examples which have been cited the attempt was made to give some indication of the money cost in each case to only one of the parties engaged in the quarrel. It is obvious that the total cost must be much greater than this, since there is always at least one other union directly connected with the dispute, which must likewise expend a large sum of money to preserve what it regards as its rights. In addition many unions, whose wage loss must be taken into account, may be forced out on strike in sympathy with one or the other of the principals.

Furthermore, there is a large though indeterminable cost to all organized labor in the increasing difficulty of organization and the loss in solidarity growing out of these conflicts. These evil results, which are less susceptible to measurement, have been grouped under the head of weakness in organization. As was said before, any contest between two or more unions over the possession of a trade or a territory, however brief its duration, is certain to cause some enmity and discord between the members of the unions, and when the dispute is prolonged this lack of unity and harmony is much accentuated. Members of rival unions, instead of feeling that sympathy for each other which must underlie all cooperation, hear with rejoicing the news that disaster has overtaken their opponents, and in many cases they contribute to this outcome in every possible manner. The employer of the members of one organization is approached by members of the rival union who offer to work for a lower wage scale than he is paying,[19] or they may

[18] The Bricklayer and Mason, February, 1911, p. 1.

[19] "Collective bargaining becomes impracticable when different societies are proposing new regulations on overtime inconsistent with each other, and when rival organizations, each claiming to represent the same section of the trade, are putting forward divergent

boycott his product and put him on the "unfair" list, or they may persuade other unions to refuse to work for him as long as he employs their opponents. They may send their agents to disrupt local unions affiliated with the rival association and to procure their reaffiliation with their own association, and may finally reach the lowest point of union degradation by "scabbing" on their rival union when it is engaged in a strike for the purpose of obtaining higher wages or improved working conditions. As the result of jurisdictional controversies, local unions frequently refuse obedience to their national officers, local building trades councils seat and unseat delegates regardless of the commands of the national Building Trades Department, and the city federations defy the American Federation of Labor. This condition of anarchy, due to jurisdictional quarrels, is one of the greatest weaknesses and gravest dangers in the labor movement.

Incidents showing the disorganizing influence of jurisdictional disputes are very numerous, and only a few of the more prominent will be sketched here. During 1912 the United Brotherhood of Carpenters, which had been suspended from the Building Trades Department for its refusal to obey the decision of the Department in regard to its dispute with the Sheet Metal Workers and had just been reinstated, was embroiled again in New York. The Sheet Metal Workers were locked out by their employers, and it was charged that the Carpenters were taking their places. President Short of the Building Trades Department said: "Charges are made . . . that the Carpenters were helping the contractors to break up the local union of the Sheet Metal Workers; even going so far as to say that the Carpenters were erecting metal cornice work."[20] Whether or not these charges were true, the result was that the local union of the Sheet Metal Workers was destroyed.

claims as to the methods and rate of remuneration" (Webb, vol. i, p. 131).

[20] Proceedings, Building Trades Department, 1912, p. 27.

After the suspension of the Steam Fitters from the Building Trades Department and the American Federation of Labor, a multitude of difficulties occurred. In Boston, in compliance with the order of the Building Trades Department and the American Federation of Labor that the Steam Fitters should not be recognized as a legitimate organization, the Building Trades Council notified the George A. Fuller Company, which was erecting the Copley Plaza Hotel and several other buildings, that the steam fitters who held membership with the Plumbers must be employed instead of members of the International Association of Steam Fitters, and a strike of the building trades was called to enforce this demand. The Fuller Company agreed, and put to work the steam fitters belonging to the Plumbers' Association. Some of the most important building-trades unions—the United Brotherhood of Carpenters, the Operative Plasterers, the Bricklayers, and the Plasterers' Laborers—were not affiliated with the Boston Building Trades Council; these organizations now demanded the discharge of the steam fitters belonging to the Plumbers, and struck to enforce their demand. Secretary Spencer of the Building Trades Department was called to Boston, and after a number of conferences all the trades decided to return to work provided no steam fitters whatever were employed.

This condition of affairs had lasted for only a short time when the members of the Steam Fitters' Association were again put to work, and once more all the unions affiliated with the Building Trades Council were ordered to strike. This strike involved about five hundred men. The Structural Iron Workers, who were members of the Council, at first refused to strike and declared their intention to remain neutral, but a few days later they withdrew their men from the buildings which the Fuller Company was erecting. However, the unions outside of the Building Trades Council continued the work, and their numbers were increased by tile layers brought from New York who went to work on these buildings. In desperation the Boston Council asked

President Short of the Building Trades Department and President Ryan of the Structural Iron Workers to come immediately to the city to help to straighten out the difficulties. A few days later President McNulty of the Electrical Workers was requested to come to hold his men in line, for they were about to call off their strike against the Fuller Company. The company now forced the fighting, and, together with five subcontractors, obtained injunctions to prevent interference with the trades working on their buildings. In the meantime additional tile layers from New York went to work on the jobs, and the Asbestos Workers withdrew from the Council and returned to work. A threatened fine of two hundred dollars, however, brought them back into line with the Council.

A new difficulty now arose. The Painters' local union, before the calling of the general strike against the Fuller Company, had demanded higher wages from Marshall, a painting contractor. Marshall, in addition to his other work, also had the contract for painting the Fuller buildings, and when the general strike was ordered, the Painters had four men at work on the Plaza building. These they agreed to withdraw provided the Building Trades Council would agree to make no settlement with the Fuller Company unless Marshall should consent to the advance in wages. Now, however, Marshall, at the instance of the Fuller Company, agreed to accede to the Painters' demands, and, defying the Building Trades Council, the Painters went back to work. For this they were fined five hundred dollars by the Council, but they continued at work. A number of the Asbestos Workers also returned to work in defiance of the orders of their organization.

President Gompers was asked to notify the Central Labor Union of Boston that the local union of the International Association of Steam Fitters was not entitled to a seat in that body, and he was requested to take charge of the situation, either personally or by representative. It was hoped that a meeting of all of the officers of the building-

trades unions might solve the problems confronting the trade. In the meantime, the local union of the Bridge and Structural Iron Workers withdrew from the Building Trades Council. More tile layers and some sheet metal workers were brought from New York; the Electrical Workers returned to work, and shortly afterwards withdrew from the Council. A conference attended by President Short of the Building Trades Department was finally held. A reorganization of the local council was decided upon, and, while all the other trades were merely notified that such a reorganization would take place, the Carpenters were given a special invitation to participate. Unmoved by this tribute to their importance, the Carpenters replied that when the International Association of Steam Fitters and the Bricklayers were seated in the Council they would consider reaffiliation. The Plasterers also decided to have no part in the new council. Of those unions which did attend the meeting, the Painters, the Iron Workers, and the Electrical Workers refused to strike to force the employment of the steam fitters enrolled in the Plumbers' union.[21]

The disorganizing effect of jurisdictional disputes was responsible for the downfall of the New York Board of Delegates.[22] The dispute which wrecked the Board was one of dual unionism. The Brotherhood of Carpenters demanded the dissolution of the New York branch of the Amalgamated Society of Carpenters; upon the refusal of the Board of Delegates to require this, the Brotherhood of Carpenters withdrew from the Board, and its members struck against every builder who refused to employ their men exclusively. The Board took the side of the Amalgamated Society of Carpenters, and the United Brotherhood then decided to fight the Board. Accordingly ten thousand carpenters struck, tying up a large part of the work in the city. Taking advantage of the situation and seeking to control the whole building industry, the building-material

[21] Proceedings, Building Trades Department, 1912, p. 32 ff.
[22] Commons, p. 415.

drivers, with the support of the Board, struck to obtain control over the supply of building material. To meet this attack the association of dealers in building material shut down every yard and plant in the city, thus bringing to a stop the supply of building material and throwing out of work seventy thousand men for four weeks. A division in the Board of Delegates resulted. The representatives of the unions of skilled trades in the Board, who were in a majority, voted to revoke the endorsement of the Teamsters, and the material yards were thrown open. But during this interval the builders had formed one strong central association, and they now declared a lock-out. After a week's idleness, they suggested to the unions a plan of arbitration which was finally adopted.[23]

If we turn our attention as far west as Denver, we find during 1909 another impressive illustration of the havoc wrought by jurisdictional controversies. Here again the trouble started between the two unions of carpenters. A large part of the Denver local branch of the Amalgamated Society of Carpenters joined the local union of the Brotherhood, and the Amalgamated Society was denied representation in the Denver Building Trades Council. The National Building Trades Department ordered that their delegation be seated, but in the meantime it had been agreed that a carpenters' district council should be formed from all local unions of carpenters to elect delegates to the Building Trades Council. This was done; when, however, all the delegates elected were found to be members of the United Brotherhood, the Amalgamated branch withdrew and elected its own delegates, who were seated despite the protests of the local union of the United Brotherhood. This union then withdrew from the Council.

In order to drive them back into line, the Council put into

[23] "The unfortunate struggles in the Borough of Manhattan and Kings . . . during 1903 . . . amounted almost to a calamity, and it will take years to eradicate the disastrous results" (Proceedings, United Brotherhood of Carpenters, 1904, p. 209).

effect the card system, that is, a regulation that no trade affiliated with the Building Trades Council should be permitted to work on a building with any mechanic who did not hold a working card issued by the Council. Since the local union of the Brotherhood of Carpenters did not belong to the Council, its members did not carry such cards. A series of strikes against the Brotherhood men was inaugurated which involved all affiliated organizations and caused great loss and inconvenience to owners and builders. Finally, a general strike was declared against the Brotherhood of Carpenters, and to settle this the Building Trades Department sent Vice-President Smith of the Painters to Denver. A truce was signed pending arbitration of the difficulty, but the arbitration proceedings failed. President Kirby and Vice-President McSorley of the Building Trades Department and President McNulty of the Electrical Workers tried in vain to harmonize the factions. The spirit of disruption spread to all the building-trades unions, and finally, months after the beginning of the trouble, the executive council of the Building Trades Department took up the matter and suggested a plan of settlement. This was rejected, and the officials of the Brotherhood were then ordered to meet the officials of the Building Trades Department to show cause why their union should not be suspended from the Department. The meeting was held and a local agreement at last reached. Commenting on this difficulty, President Kirby said, "The result of the fight has been the almost complete disorganization of one of the best organized cities in the United States, and a condition created that has held us up to ridicule throughout the country."[24]

The enmity engendered by jurisdictional disputes sometimes, as has already been said, leads the members of one union to take the places of the members of a rival association which is on strike. In May, 1909, the Elevator Constructors of Chicago demanded an increase in wages, their

[24] Proceedings, Building Trades Department, 1909, pp. 11, 33 ff.

principal employers being the Otis Elevator Company. This increase was refused, and when they went on strike the company made an agreement with the machinists, electrical workers, steam fitters' helpers, ornamental iron workers, and building laborers, and parcelled out the work formerly done by the Elevator Constructors among these different trades. There was then a long and bitter fight, and in spite of the efforts of President Kirby the various unions concerned refused to withdraw their men and give up the work. The president of the Building Trades Department in his report to the convention said, "There exists in the city of Chicago an agreement signed by seven different organizations to do the work of an organization whose members were on strike," and he characterized this as "the most damnable attack that ever came to my knowledge."[25]

Chicago also furnished an illustration of the effect of jurisdictional disputes in leading to violence between unions.[26] The International Association of Steam Fitters having been suspended from the Building Trades Department, the Chicago Building Trades Council in 1911 decided to aid the Plumbers in establishing a local branch of steam fitters. Trouble began immediately. Two of the trades unaffiliated with the local council took the side of the Steam Fitters, and several included in the Council also aided them in every way possible. If a contractor employed the Steam Fitters to do the steam fitting, the trades loyal to the Council would refuse to work for him; if on the other hand he employed the Plumbers, the organizations friendly to the Steam Fitters would strike. It was thus made impossible to have work done, no matter what the contractor or owner was willing to do, and work on a large number of buildings was at a standstill for many months. The feeling between the hostile unions was intensely bitter. It was openly charged that thugs were hired by union men

[25] Proceedings, Building Trades Department, 1909, pp. 12, 71.
[26] Proceedings, Building Trades Department, 1911, p. 37.

to assault other union men, and three of the most prominent local officials of the Plumbers were arrested on the charge of conspiracy to kill. A local agreement was finally reached which put an end to this warfare.

By this evidence, which might be greatly extended, we are forced to the conclusion that the effect of jurisdictional conflicts in producing weakness in the organization of labor is a far greater evil than the mere waste of money entailed by such conflicts. Treasurer Lennon of the American Federation of Labor said in his report to the convention of 1903, "To me the danger of our movement lies in the divisions existing in the trade unions themselves, and those divisions are very largely over the questions of jurisdiction."[27]

We must now note still another item in the cost of this internecine strife, that is, the alienation of public sympathy from the trade unions. One does not ordinarily realize how important an element in the success of organized labor is the sympathy and cooperation of the public, but if he stops to consider merely those cases which have come under his own observation he will recall that those strikes or other labor movements which have received the moral support of the community have almost uniformly been successful, while those which have lacked this support were with few exceptions failures. The efforts made by both employers and unionists to enlist public sympathy in their cause furnish additional evidence that anything that tends to alienate public sympathy is an extremely expensive indulgence. There can be no doubt that jurisdictional disputes provide one of the prime reasons for much of the widespread public criticism of trade unionism.

That part of the community unconnected with organized labor which has been designated as the public is not sufficiently well informed as to the facts underlying jurisdictional conflicts to determine in any given case whether the

[27] Proceedings, 1903, p. 60.

contest between the unions is one involving an important, even at times a vital, principle or whether it is merely due to inconsiderate and selfish aggression.[28] What the uninitiated see is that here are certain groups of men, nominally banded together to obtain desirable conditions of employment and to promote the welfare of themselves and their fellow-men, but actually waging war upon each other and causing inconvenience and financial loss to the community and to employers against whom they have no grievance. Not only the unions actually involved, but the whole labor movement is thus discredited.

The opinion is often given both in the daily press and in the organs of the unions that jurisdictional disputes and the outrages not infrequently resulting therefrom are responsible for much of the opposition to the unions. In April, 1903, when the officers of one of two rival associations of sheet metal workers in Chicago were lured to the rooms of the other local union and an attempt was made to murder them, all the Chicago newspapers laid stress on the injury done to the cause of unionism.[29] In the report of the Committee on Adjustment, which considered all the disputes brought before the convention of 1911 of the Building Trades Department, it was said: "The inconvenience to which we put him [the employer] because of the strikes we have with each other over our own disputes . . . and the general disrepute into which we bring ourselves, not only with the employers, but with the public, appeals to us as needing some remedy." One of the delegates added:

[28] At the convention of the Building Trades Department in 1911 Secretary Duffy of the United Brotherhood of Carpenters said: "It is a shame when we have good friendly owners, builders and architects, who are willing to place in their contracts a provision that union labor only must be employed, and when the building is only half completed have the workers go out and strike. The public does not understand it, and it seems nobody understands it but ourselves. All the public see is that there is a job going up under union conditions and it is struck" (Proceedings, 1911, p. 27).

[29] Amalgamated Sheet Metal Workers' Journal, May, 1903, p. 94.

"Even if we simply announce to the public tomorrow morning that this Department has taken a step in the direction of trying to eliminate strikes in which our employment is not involved, in which there is no question of hours of employment, wages or conditions of employment, the mere declaration will more than repay us for the time and energy spent on the question."[30]

The unions are by no means the only sufferers from jurisdictional disputes. A heavy loss not infrequently falls on the employer of the workmen. Building on a large scale is no longer done, as formerly, under the direction of the owner and the supervision of a boss carpenter. The owner now obtains bids upon the specifications of his architect and gives out a single contract for the whole work, the completion of which according to specifications is guaranteed by the deposit of a bond or other security. The general contractor in turn sublets the various portions of the work to a masonry contractor, a painting contractor, a heating contractor, an electrical contractor, and so forth, and secures himself also by requiring the deposit of indemnity bonds. Nearly all general contractors and many subcontractors are required by their agreements to have their work finished within a specified time under penalty of a fine for each day beyond this time. On the other hand, a bonus is frequently allowed if the work is completed within a certain minimum time. Besides these direct financial inducements, there are other reasons why it is profitable for employers in the building trades to complete their work as rapidly as possible. They have large amounts of capital tied up in expenditures for wages and materials, and therefore every day of delay on a partially completed building represents a considerable cost for interest. Furthermore, since the profitableness of the business does not depend upon a single contract but upon many of them, the speed with which each building operation is finished and another begun, or, in other

[30] Proceedings, Building Trades Department, 1911, p. 119.

words, the rapidity of the "turn over," is a very important element in the builder's economy. On all of these accounts the delays caused by jurisdictional disputes are sources of loss to employers, against most of which they have no protection. Some contracts now contain a clause providing that delays due to labor troubles shall not operate against the contractor. These clauses can, however, protect the contractor only against fines, and offer no protection against the losses from other sources noted above.[31]

The gravity of the losses occasioned to contractors by jurisdictional disputes is recognized by many unionists. Secretary Spencer of the Building Trades Department said: "Unfortunately there has never been an attempt exerted heretofore to adjust amicably jurisdiction claims, and the policy of tying up the building in order to secure a temporary gain over one union, whose members have seen fit to claim certain work that may or may not be controlled by the other union, has been recklessly followed. In this, the contractors and owners involved have complained bitterly and properly that such disputes should be settled among ourselves without drawing them into them to be abused by one or cursed by the other disputant. . . . It is not properly within the province of organized labor to assume a position that will militate against the progress of the building business as an industry."[32] In announcing in November, 1906, that an agreement had been signed between the Operative Plasterers and the Bricklayers, thus bringing to an end a conflict which had begun in 1868, the editor of the Bricklayers and Masons' journal said: "The agreement

[31] Professor Commons, in his study of the New York Building Trades, comments on the New York jurisdictional disputes as follows: "Building construction was continually interrupted, not on account of lockouts, low wages, or even employment of non-union men, but on account of fights between the unions. The friendly employer who hired only union men, along with the unfriendly employer, was used as a club to hit the opposing union. And the friendly employer suffered more than the other" (p. 409).

[32] Prospectus of the Building Trades Department.

removes from the trade union movement a jurisdictional dispute that has involved the building industry for over thirty years, and which has not only been a source of great loss to the journeymen, financially, but has caused most vexatious delays in building operations, and consequent financial loss to employers and to the building public, the latter being innocent parties to the trouble and perfectly helpless in providing a remedy for its correction."[33]

A striking illustration of the difficulties encountered by the employer when unionists fall out over the question of jurisdiction is found in the circumstances attending the erection of the Marshall Field and Company building in Chicago in 1906. It was decided by the builders to put in for cleaning purposes a new compressed air device which included two pipes running side by side, one carrying hot and the other cold water. These pipes ended in a sort of scrubbing-brush, and the compressed air drew the water back off the floor and into a waste pipe. The Plumbers succeeded in getting the contract to install this system, and had got as far as the fifth floor of the seven-story building when the Steam Fitters struck. When it appeared that no agreement could be reached, the owners, who wanted to hurry the completion of the building, announced that they would remove all cause for dispute by tearing out the cleaning system. This was not satisfactory to the Plumbers, who threatened to strike. Meanwhile the Steam Fitters had returned to work, but without any helpers, for the local union of steam fitters' helpers had withdrawn its members when the Plumbers made their demands. Because the steam fitters were not using helpers, the latter organization succeeded in getting several other trades to strike in sympathy with them, and work on the building was again tied up. Finally the matter was submitted to arbitration and work was resumed. By these successive disputes a two-million-dollar job was delayed for days on account of an original

[33] The Bricklayer and Mason, November, 1906, p. 1.

dispute over eight hundred dollars worth of work, although the piping in question was only one one-hundredth or one per cent of all the piping in the building.[34]

A great deal of trouble and loss was caused to the builders of Chicago by the Machinery Movers, who claimed the exclusive right to deliver all machinery inside of buildings and in many cases also to set it up. This organization caused considerable delay in the construction of the Harris Trust Building, and in a period of less than a year was responsible for no less than fifty separate strikes during which the work of employers was delayed.[35]

Secretary Boyd, of the St. Louis builders' association, in his monthly letter for March, 1912, called the attention of employers to the hostile relations existing between the Steam Fitters and the Plumbers and to the fact that their dispute had caused the suspension of work in Chicago for many months and had cost the contractors many thousands of dollars. He said: "It is truly unfortunate that the conflict that seems imminent cannot be avoided in St. Louis, as there can be no doubt that the building business, which shows signs of more activity this season than it has for several years, will be very seriously injured."[36] That his fears were justified was proved by the developments of the next few months. In his monthly report for May, 1912, Mr. Boyd said: "The expected happened when the mechanics on the Laclede Gas Company's new building went on strike because International Association Steamfitters were employed on the building. Since then twenty-one jobs have been reported to this office as having been interfered with on the same account, mainly by the plumber and gas fitter quitting work. . . . The Hughes Heating Company, who have the heating contract, were requested by the general contractor to take the steam fitters off the building

[34] The Steam Fitter, January, 1907, p. 19.

[35] Report on Jurisdictional Disputes in Chicago, 1912.

[36] Monthly letter, March, 1912, of Secretary Boyd of the Building Industries Association of St. Louis.

in order that the other trades might proceed. The Hughes Company were notified by the Steam Fitters' Union that if the men were taken off, every job they had in or out of the city would be struck, consequently they refused to comply with the demand of the general contractor, whereupon the police were called, and they prevented the steam fitters from going to work on the building. . . . In view of this situation, the Heat and Power Contractors, at their last meeting, decided that every member of this organization should stand upon his right to complete the work for which he had contracted, and if interfered with by the general contractor or the owner, legal proceedings should be invoked to protect his rights."

Delay and annoyance are not the only evils suffered by employers from interunion disputes. They are sometimes compelled to tear out work that has been placed by one union and to allow another union claiming the work to replace it. An effort of this sort was made in July, 1905, when all the brick work on the Wanamaker store building in Philadelphia was stopped because certain concrete work was being done by laborers. This work in concrete was under the direction of the Roebling Construction Company and consisted merely in filling in concrete as a backing for terra cotta cornices. The local bricklayers insisted that the work which had already been done should be torn out, and that the Bricklayers be paid for all the time they lost while being on strike to enforce their claim. The work of the contractors was delayed for several weeks and a number of conferences were held, one of which was attended by the architects, the various contractors, and the local and national representatives of the unions. The local bricklayers were finally ordered by the national officers to return to work, and were not allowed to collect from the Construction Company for their lost time.[37] Occasionally, in order to get the work done, the employers must pay one group of men for actually performing the work and, at the same time, pay

[37] Annual Report of Officers, December, 1905, p. 134.

another group belonging to a different union as if they had done it, thus paying twice for the same piece of work.[38]

We must also take some account of the jurisdictional dispute from the point of view of society as a whole. Of course, every loss which falls upon the unions themselves, as well as those which fall upon the employers, is a loss to society inasmuch as the term "society" includes all persons,—unionists, non-unionists, and employers. But, just as it was found that in certain cases jurisdictional conflicts entail costs which fall especially upon the unions or the employers, so now it is proposed to take cognizance of that part of the cost which seems to fall peculiarly upon society as a whole. Regarded from this point of view, jurisdictional disputes may be indicted on four counts: (1) They waste both labor and capital; (2) they make it impracticable in many cases to use improved appliances and cheaper materials; (3) they are responsible for hesitancy in undertaking and increased expense in prosecuting building, to the detriment of the building industry; (4) finally, where the disputes are long continued they are responsible for that whole train of evil results which follows upon idleness and poverty.

It has been said before that the delay in the construction of buildings due to jurisdictional contests results in a considerable loss of interest on the capital thus tied up. This,

[38] In Chicago the placing of opera chairs has been made the subject of dispute between the Carpenters and the Ornamental Iron Setters, with the general result that when the chairs are placed on wooden floors, the work is given to the Carpenters, and when placed on cement floors, to the Iron Setters. However, in a theater building erected during 1911 the Carpenters were given the work of placing the chairs on a cement floor, and the Ornamental Iron Setters therefore struck the job. In order to have the building ready on the date specified in his contract, the employer hired a group of men sufficient to do the work from each union, and while one of these groups placed the chairs, the other sat watching, and each was paid its usual wage scale for the time consumed (Interview, Secretary of Building Employers' Association, Chicago, July, 1912).

while being directly a loss to the owner or contractor, is, in just as important a sense, a loss to society, for this capital, which is thus rendered practically idle, could be used productively if the work were completed as rapidly as possible and the capital released for other purposes. Essentially the same thing is true in regard to labor. Each day's labor lost by every person involved in a jurisdictional dispute is so much productive power lost by society, as well as a direct wage loss to the persons thus rendered idle.

One of the most tangible results of jurisdictional disputes is that builders are frequently compelled to forego the use of improved appliances, cheaper materials, and more efficient methods because they cannot get the unions to agree as to which of them is to use the new device or control the new material. Thus, in Chicago automatic stokers were being built and used until the disputes over this work between the Machinists, the Millwrights, and the Structural Iron Workers became so frequent and so bitter that the construction was either delayed or abandoned.[39] It will be recalled that in the construction of the Marshall Field and Company building, referred to previously, it was proposed as a solution of the difficulty to tear out the vacuum cleaning system. Such abandonment or delay in the use of the most economical methods of production is a loss to society. The amount of this loss due to the delayed or the comparatively limited adoption of cement, sheet-metal trim, doors, and furniture, fireproofing materials, and vacuum cleaning systems, caused by quarrels between various groups of workmen as to which group should control the work or the material, is enormous.

On account of these difficulties and uncertainties, the whole building industry moves more sluggishly, and society is compelled to pay for its building construction a price increased sufficiently to maintain, as it were, an insurance fund against the possible delays and expenses due to juris-

[39] Report on Jurisdictional Disputes, 1912.

dictional controversies. Thus the industry is retarded mainly by those who ought to be its chief friends. That this state of affairs is realized and deprecated by the unions themselves is shown by the following statement in the report of the executive council of the Building Trades Department in 1912: "If we of the building trades were alone involved in the settlement of these disputes, we could afford to continue our discussion of them even though it may sometimes result in conflict, but the cause for most concern lies in the fact that we occupy perhaps the minor position in this embarrassing situation. At all events we have no moral or ethical right to embroil the contractor and owner of the building under construction. . . . In every avenue of trade and commerce the aim is to encourage a greater field of activity, to increase the volume of business year after year. By the same token it should be our purpose to stimulate greater activity in building erection. Our talents and capabilities should be devoted in large measure to attain this end, for such a termination of our united endeavors would simply mean more continuous employment for the members of our several organizations. That is to say, if we can demonstrate our ability to settle trade grievances among ourselves, without involving the architect, owner, and contractor, we will immediately inspire confidence in the mind of the investing public, with a resultant stimulus in building operations."[40]

Finally, every large interunion dispute, if long continued, brings with it to some of the participants poverty and the results of poverty. As long as the result of a jurisdictional dispute is the loss of only a few days' work, we may properly charge the loss to the workman; but if unemployment is prolonged, we have results which become an affair of society's, since poverty and the reduction of social status which follows poverty are matters which concern the community as a whole. Sidney and Beatrice Webb rightly stress this

[40] Proceedings, Building Trades Department, 1912, p. 85.

loss as one of the most important consequences of jurisdictional disputes. In describing the jurisdictional disputes in the English ship-building industry, they say that although this encroachment of trade on trade is often of the most trivial nature, nevertheless it has resulted at times in wars of greatest magnitude. "In the industries of Tyneside within a space of thirty-five months, there were thirty-five weeks in which one or other of the four most important sections of workmen in the staple industry of the district absolutely refused to work. This meant the compulsory idleness of tens of thousands of men, the selling out of households, and the semi-starvation of thousands of families totally unconcerned with the dispute, . . . while it left the unions in a state of weakness from which it will take years to recover."[41]

[41] Vol. ii, p. 513.

CHAPTER VI

Remedies for Jurisdictional Disputes

For the settlement of these conflicts, which prevail so generally and constitute so large a cost to labor and to society as a whole, various plans have been suggested. These may be divided into two general classes as they are remedial or preventive, or, in other words, arrangements which are designed to settle jurisdictional disputes after they have occurred, and those whose purpose it is to prevent their occurrence.

Of the two, the second is the more promising and more important class. As in combating disease, preventive medicine is of more importance than remedial medicine, so in the matter of jurisdictional controversies it would be much more satisfactory and economical to prevent their occurrence than to provide a cure for them when they have arisen. The analogy may even be extended. Just as in the practice of medicine effort has long been expended on the cure of disease, while the science of preventive medicine is of comparatively recent development, so trade unions for many years waited for cases of jurisdictional dispute to manifest themselves before any attention was given the matter, whereas now attention is being centered chiefly upon methods of prevention.

But from the previous discussion of trade jurisdiction in its relation to trade unionism, and from the analysis of the causes of jurisdictional disputes, it must be evident that it is vain to hope that disputes will disappear within any reasonable time. As long as labor is organized in the present manner and as long as new materials and new methods are being introduced into industry, the causes and opportunities for conflict will continue. Hope must lie, therefore, largely in the prospect of removing or mitigating

the evils of such disputes by effecting a change either in the organization of labor or in the attitude of trade unionists. These changes cannot be brought about suddenly, but must result from a gradual evolution, the progress of which can already be detected in various directions.

The difficulty in analyzing any trade-union practice or in forming a judgment concerning any trade-union policy lies in the common error of regarding the trade unionist as a distinct species of man, as actuated by motives different from other men, and as being a member of a social group dissimilar and necessarily opposed to other social groups. Like all other men in economic life, the members of a trade union are impelled by the motive of self-interest. Men unite with one another into local unions not to help other members of society, but to help themselves; these local unions form national and international associations, and these again great industrial federations, all for the purpose of strengthening the position of the individuals within the organization. Moved by this same force, each union strives to enlarge its territory, to obtain more members, and to increase the work over which it has control. Self-interest inspires the closed shop, enforces membership discrimination, and opposes individual liberty in countless ways, and thus furnishes the ground for the charge that labor organizations tend to become tyrannical and dictatorial. The solution of the most difficult problems of trade-union policy, many of which are connected in one way or another with the question of jurisdiction, requires first of all the realization on the part of the unionist that self-interest demands the elimination of these evils.

As has been said, the first stage in the attempt to deal with jurisdictional disputes is characterized by the effort to end these controversies after they have arisen, and naturally the first suggestion for this purpose is that there shall be a conference with a view to an agreement. That a conference between the disputing unions is ordinarily looked upon as the obvious remedy for any jurisdictional dispute is

shown by the following statement of the president of the Stone Cutters: "I have noticed much unnecessary friction between the organizations of the stone cutters, the bricklayers and masons, the granite cutters and the interior marble workers . . . and I believe a conference of the executive boards of the various trades should be had that a line of demarcation or jurisdiction could be established and thus eliminate all friction."[1]

A conference by no means always leads to an agreement. Conferences without end have been held by various unions, some unions having held two or three of them a year in regard to the same dispute, and yet no agreement has been reached and no settlement of the conflict effected. The Steam Fitters and the Plumbers have conferred many times, either voluntarily or in compliance with an order of the American Federation of Labor, but in most cases without any result. At the Louisville convention of the American Federation of Labor in 1900 each of these unions was ordered to appoint a committee of three to meet with a committee of three appointed by the executive council of the Federation, to settle the disputes between them. The meeting was held in May, 1901, in Chicago, but no agreement was reached.[2] The quarrel dragged along in spite of many efforts to settle it, and in 1907, on the recommendation of the adjustment committee, the two unions were again ordered to appoint committees of three persons to meet with President Gompers and to draw up an agreement. This appeared to be an impossible task, and the conference ended without having accomplished anything.[3] To pick out another from the almost countless conferences which have failed to result in agreement, the president of the Sheet Metal Workers reported that a meeting had been held with the Plumbers to settle disputes over the sheet

[1] Stone Cutters' Journal, July, 1906, p. 4.

[2] The Steam Fitter, March, 1903, p. 5.

[3] Proceedings, American Federation of Labor, 1907, p. 269

metal and copper work in railroad shops, but that no agreement had resulted.[4]

In those cases where agreements have been reached these range from a mere verbal understanding to a detailed written working agreement. Verbal understandings not infrequently work satisfactorily for a single community and for a short period of time, but they fail where wide application and permanence are desired. The branch of the Stone Cutters at Victoria, British Columbia, reported in 1893 that its members were working on sandstone and granite side by side with the Granite Cutters, and that no trouble arose since all matters in dispute were "talked over" at a joint meeting of the Stone Cutters and the Granite Cutters, held every two weeks.[5] Likewise, the Baltimore branch of the Granite Cutters reported that an understanding had been reached for the settlement of a jurisdictional dispute between local branches of the Granite Cutters and the Stone Masons. These two organizations had been holding joint committee meetings for months.[6] During the Minneapolis convention of the American Federation of Labor a conference of all the stone-working trades was held; this resulted simply in a general understanding, and as a result it was mistakenly thought that all jurisdictional contests between the various branches would be brought to an end.[7]

While many conferences have thus resulted in verbal agreements or understandings, usually a written agreement has been signed by all the parties to the conference. Such instruments vary from brief general statements to formal and detailed documents. During the Pittsburgh convention of the American Federation of Labor, to bring to an end the disputes between the Carpenters and the Woodworkers there was drawn up a brief general agreement which contained the following provisions: (1) that a tem-

[4] Amalgamated Sheet Metal Workers' Journal, January, 1908, p. 3.
[5] Stone Cutters' Journal, September, 1893, p. 4.
[6] Granite Cutters' Journal, March, 1905.
[7] Ibid., December, 1906.

porary trade agreement be entered into to cover all men working in mills and factories; (2) that pending these negotiations, all local unions cease hostilities; and (3) that representatives meet on a specified date to arrange for an agreement, understanding, or amalgamation, as might seem best.[8] An example of the particularity with which these agreements are sometimes drawn is found in the dispute between the Plumbers and the Steam Fitters. This controversy had passed through all stages of attempted adjustment, and was finally referred to the executive council of the American Federation of Labor; this body drew up a working agreement the main provisions of which were as follows: (1) each union to refrain from organizing steam fitters and helpers in localities where the other already had a local branch; (2) each to submit a list of local unions in existence; (3) in places where both had local unions, each to appoint a committee of three which should determine hours and wages and a minimum initiation fee for which a member of either union might be admitted to the other; (4) unorganized localities to be open to organization by the union whose representative first began to organize; (5) a joint committee composed of three from each union and the president of the Building Trades Department to act as a board of arbitrators to settle all grievances between the two bodies; (6) neither organization to allow the formation of local unions or the admittance of men into branches where there was a strike or lockout between the employers and either union; (7) any member of the one union entering territory controlled by the other to join the local union in control of the territory if he wished to work.[9] The Steam Fitters refused to accept this agreement, and organized local unions in Spokane, Salt Lake City, and Syracuse contrary to its provisions.

The weakness of conference and agreement as a remedy for jurisdictional conflicts is that entrance into an agree-

[8] The Wood Worker, December, 1905, p. 364.

[9] Proceedings, Building Trades Department, 1909, p. 31.

ment is an optional matter, and its observance is no less optional. There is no effective authority to compel obedience to the terms of the agreement, and frequently they are soon violated by one party or the other, either because the intent of a particular clause is not clear and is subject to various interpretations, or because one of the parties knows or imagines that the other has disregarded certain provisions and therefore feels that it is under no obligation to maintain the agreement.

The second remedy for existing disputes is arbitration. This differs from conference in that the matters in dispute are settled by a third party instead of by the unions involved. The conventions of the American Federation of Labor and those of the Building Trades Department very often act as committees of the whole to arbitrate jurisdictional controversies between their affiliated unions. In fact, one of the chief reasons given for organizing the Building Trades Department was that it would provide an agency for arbitrating jurisdictional conflicts. In the words of Secretary Spencer: "The dream of every officer who has ever carried the responsibility of directing the affairs of an international union has been the establishment of some medium for the adjustment of disputes between trades whose jurisdiction conflicts as the modernizing of building erection advances. The Building Trades Department has been designed to fill the bill, becoming as it does, a clearing house, so to speak, for the adjustment of all trade disputes."[10] At the convention of 1905 of the Structural Building Trades Alliance, the predecessor of the Building Trades Department, a rule was adopted which permitted "organizations having jurisdictional disputes with those now affiliated to be admitted, provided said applicants agree to submit their disputes and abide by the decision rendered by the Alliance."[11]

The usual method is to refer the controversy to a smaller committee for adjustment rather than to have the whole

[10] Prospectus of the Building Trades Department.

[11] Amalgamated Sheet Metal Workers' Journal, June, 1905, p. 206.

convention act as such a committee. At the convention of the Plumbers in 1908 it was suggested that a national jurisdiction committee, composed of one member from each national union, should be created to have final jurisdiction in all matters of dispute.[12] During the Denver convention of the Building Trades Department the executive council of that body acted as a board of arbitration in an effort to settle the disputes between the Plumbers and the Steam Fitters and between the Hod Carriers and the Cement Workers,[13] while the latest constitution of the Building Trades Department provides for a special arbitration committee to which "all cases of trade disputes between affiliated organizations . . . shall be referred." The committee is "composed of building trades men, one to be elected by each of the contesting parties having the dispute and one by the president of the Building Trades Department. The decision rendered by this board of arbitration shall be binding on all parties concerned and no strike shall be ordered pending a decision of the arbitration board."[14]

In numerous cases resort has been had to the appointment as arbitrator of a member of a union not involved in the controversy. Mr. Rist, a member of the Typographical Union, acted as arbitrator between the Plumbers and the Steam Fitters. Mr. P. J. Downey, a member of the Sheet Metal Workers, served as arbitrator in the dispute between the United Brotherhood of Carpenters and the Wood Workers.[15] Less numerous have been the cases in which a person entirely outside the labor movement has been appointed arbitrator. During the erection of Sears, Roebuck, and Company's building in Chicago, a Boston firm, putting in the pneumatic tubing for a carrier system, hired Steam Fitters to do the work. The Plumbers claimed jurisdiction

[12] Proceedings, 1908, in Plumbers, Gas Fitters and Steam Fitters' Journal, December, 1908.

[13] Plumbers, Gas Fitters and Steam Fitters' Journal, March, 1909.

[14] Constitution, Building Trades Department, 1912, sec. 39, p. 11.

[15] The Wood Worker, March, 1903.

over such piping, and finally succeeded in tying up the whole job. In order to end the trouble, the dispute was submitted to Judge Bretano, who decided in favor of the Steam Fitters.[16] An attempt was made to end the long and costly dispute between the Brotherhood of Carpenters and the Sheet Metal Workers' Union in New York by referring the matter to Judge W. J. Gaynor, who decided that metal trim and doors should be erected by the Carpenters. During the building of the Northwestern Depot in Chicago the Plasterers withdrew their men from the work because the Marble Workers were setting imitation marble. A committee of the architects, as arbitrators, decided in favor of the Marble Workers.[17] In arbitration proceedings between the Plumbers and the Steam Fitters of New York, the right to the work of installing the thermostatic or heat-regulating apparatus was awarded to the Plumbers by a decision of Honorable Seth Low.[18]

The local building-trades council and the local federation of labor in the locality where a dispute arises frequently serve as arbitrators when the dispute is a purely local one. Secretary Kreyling, of the St. Louis Federation of Labor, thinks that most disputes could be settled locally if the city federations were given authority to make decisions,[19] but since the American Federation of Labor gives them no power to make a final settlement, they usually act only in an advisory capacity. The Chicago Building Trades Council finds one of its chief activities in the work of adjusting jurisdictional disputes, which are settled according to the jurisdiction statements of the Building Trades Department.[20] In 1901 the San Francisco local union of the Sheet Metal Workers reported that their dispute with the Metal Roofers' Union had been settled by the local

[16] The Steam Fitter, January, 1907, p. 19.
[17] The Marble Worker, July, 1910, p. 168.
[18] Plumbers, Gas Fitters and Steam Fitters' Journal, April, 1899, p. 6.
[19] Interview, Secretary Kreyling, St. Louis, July, 1912.
[20] Interview, Secretary Hanlon, Chicago, July, 1912.

building-trades council as arbitrator.[21] Professor Commons, in his article on the "New York Building Trades," notes the fact that the general arbitration plan, submitted by the employers, provided for a local committee to arbitrate jurisdictional contests and imposed the penalty of suspension for failure to abide by the decision of the arbitrators. Fifteen disputes were thus settled, but the sixteenth wrecked the Board.[22]

As a remedy for jurisdictional disputes, arbitration under any of the foregoing plans is almost uniformly a failure. In the first place, the unions cannot be compelled to abide by the decision of the arbitrator, and even though they agree to be bound, they may soon feel that conditions have arisen which release them from their promise. The American Federation of Labor confesses its lack of coercive power. "The American Federation of Labor has only limited power in the settlement of these disputes. It claims no authority to intervene and any action which it takes is voluntary. . . . It must be realized by all that the question of jurisdiction can not be definitely or authoritatively settled by the American Federation of Labor alone, but that the success of the unions in solving these difficult problems must depend upon their own reasonableness and upon their willingness to make mutual concessions and sacrifices for the good of the whole labor movement."[23]

When the executive council of the American Federation of Labor decided in favor of the Wood Workers as against the United Brotherhood of Carpenters in arbitration proceedings during 1902, the Carpenters refused to accept the decision, and quoted the following resolution, which was adopted at the Louisville convention of the American Federation of Labor, as showing the lack of authority on the part of the Federation: "The American Federation of

[21] Proceedings of the Amalgamated Sheet Metal Workers, 1901, p. 25.

[22] P. 412.

[23] Proceedings, American Federation of Labor, 1903, p. 76.

Labor shall hereafter refuse to decide questions of jurisdiction involving national or international affiliated bodies unless by consent of the opposing interests and with the understanding that each is willing to accept the decision . . . as a final settlement of the dispute."[24]

Arbitration proceedings fail to end jurisdictional disputes also because of the lack of confidence which the unions feel in the arbitrators. The ever-present doubt as to the fairness and competence of the umpire is not infrequently regarded as justified by the union against which the decision is made. When the arbitrators are non-unionists, they are not likely to have knowledge of or sympathy with all the implications of the jurisdiction claims of the contestants. It was charged by the Sheet Metal Workers that Judge Gaynor, in awarding the erection of hollow metal doors and trim to the Carpenters, showed in the language of his decision a failure to understand the technique of the manufacture and erection of this material. Nor is the disinclination of unionists to submit to fellow-unionists questions which appear to them to be of vital importance in their industrial life ill-founded. The threads of jurisdiction cross and recross the fabric of labor organization in such varied directions that it is almost impossible to find a member of any trade union who does not feel himself in sympathy with one side or the other in every jurisdictional dispute that comes to his notice.

The American Federation of Labor and the Building Trades Department fail as arbitration agencies[25] for the

[24] Pamphlet on a dispute between Carpenters and Wood Workers, p. 11. The lack of respect in which such arbitration proceedings are held is shown by the fact that even while the arbitration committee on the conflict between the Carpenters and the Wood Workers was holding its sessions in Indianapolis, the representatives of the Carpenters used their spare time between sessions to organize a dual union of wood workers in that city (The Wood Worker, August, 1905, p. 240).

[25] S. Blum, "Jurisdictional Disputes Resulting from Structural Differences in American Trade Unions," in University of California Publications in Economics, vol. iii, no. 3, pp. 424, 433.

reason that their very existence is too intimately dependent upon the numbers and the contributions of the affiliated unions for them to be absolutely impartial in passing upon disputes in which the size and strength of the contending unions is very dissimilar. A parallel study of the treatment accorded the Steam Fitters in their dispute with the Plumbers and that accorded the Carpenters in their controversies with the Sheet Metal Workers and the Wood Workers will convince any one that it is not without cause that the unions are unwilling to rely for a decision as to their jurisdiction claims upon the justice and impartiality of either the American Federation of Labor or the Building Trades Department.

A third remedy frequently suggested for the settlement of jurisdictional conflicts is simple in conception and certain in curative effect if the unions in conflict could only be persuaded to adopt it. This is amalgamation. Here are two unions fighting each other because both claim jurisdiction over the same territory or the same trade. Let them form one union. Unfortunately for the success of this remedy, the unions generally refuse to adopt it; they will not amalgamate.

At the convention of 1906 of the American Federation of Labor, President Gompers reported that during the past year he had met with committees of Seamen and Longshoremen and of Carpenters and Wood Workers in an effort to settle their conflicts. Amalgamation was suggested in both cases, but was rejected.[26] The Carpenters indeed entered the conference with the statement that "the only working agreement the Brotherhood of Carpenters and Joiners will make with the Woodworkers will be amalgamation,"[27] but the Wood Workers were unwilling to amalgamate. A very unsatisfactory condition, which led to many jurisdictional disputes, existed among the hod carriers and building laborers for several years. There was the "legiti-

[26] Proceedings, American Federation of Labor, 1906, p. 75.

[27] The Wood Worker, February, 1906, p. 43.

mate" Hod Carriers' and Building Laborers' Union, a large seceding local union in Chicago headed by Herman Lillien, and several large independent organizations in San Francisco and other cities.[28] To remedy this condition it was decided to amalgamate all the separate bodies under the guidance of the American Federation of Labor and the Building Trades Department,[29] but the plan failed. Amalgamation has frequently been urged as a remedy for the jurisdictional conflicts occurring between the United Brotherhood of Carpenters and the American branch of the Amalgamated Society of Carpenters. In 1903 committees from both unions met and, with Adolph Strasser as umpire, agreed upon a plan of amalgamation, but this had to be submitted to a referendum vote of the members of both unions, and it failed of acceptance.[30] At various times since then efforts have been made to accomplish this result, but they have uniformly failed, the stumbling block being the difficulty of arranging satisfactory terms upon which the members of the Amalgamated Society might be admitted to the insurance and beneficial features of the United Brotherhood, and at the same time retain such property rights as they might have in similar funds in their own Amalgamated Society.[31] The American Federation of Labor has lately sought to solve the problem by ordering the Amalgamated Society to unite with the Brotherhood of Carpenters.

As was said before, the failure of amalgamation as a remedy for jurisdictional disputes is due to the fact that, except in rare cases, the unions will not adopt it. Amalgamation, as it actually works out, means the swallowing of the smaller organization engaged in the dispute by the larger one. If the Operative Plasterers, for example, should consent to amalgamate with the Bricklayers, or if the Wood Workers should agree to amalgamate with the

[28] Proceedings, Building Trades Department, 1910, p. 30.
[29] Proceedings, Building Trades Department, 1908, p. 50.
[30] Proceedings, United Brotherhood of Carpenters, 1904, p. 34 ff.
[31] Proceedings, United Brotherhood of Carpenters, 1906, p. 36 ff.

Carpenters, they would lose their identity in that of the larger organization—a form of trade-union suicide not likely to be considered unless the future is absolutely hopeless and continued separate existence an impossibility.

A milder remedy proposed is that described by the phrase "exchange of cards." Under this plan each of two unions with a conflict in jurisdiction—for example, the Granite Cutters and the Stone Cutters—keeps its own members, but if a member of one union is employed upon some work which the other claims to control and presents to the latter association his card showing that he is in good standing in his own union, he will be permitted to work provided he obtains the rate of pay and the other working conditions that the workmen of the union in control of the job have. At the convention of the Plumbers in 1900 a recommendation was made that a committee be appointed to confer with a committee from the Steam Fitters for the purpose of arranging for the exchange of working cards between the two associations.[32] As early as 1890 a resolution was adopted empowering the executive board of the Bricklayers to seek to make an arrangement for an exchange of cards with the Operative Plasterers.[33] That this arrangement failed of permanent establishment is shown by the fact that in 1904 the president of the Bricklayers reported that the Operative Plasterers had agreed to exchange cards, but that the local unions of bricklayers refused.[34]

The plan for an exchange of cards is frequently proposed but rarely adopted. When one union agrees with another to exchange cards, it means that the first union has granted the other the privilege of working unmolested upon that which it maintains is its own field of jurisdiction. True, it gets in exchange a like privilege from the second union, but if the members of one of the organizations are

[32] Proceedings, 1900, in Plumbers, Gas Fitters and Steam Fitters' Journal, August, 1900, p. 9.

[33] Proceedings, Bricklayers and Masons, 1890, p. 93.

[34] Annual Report of the President, 1904, p. 5.

likely to secure most of the disputed work, the other union will be unwilling or at any rate reluctant to enter into such an arrangement. Moreover, the view that trade jurisdiction is a right militates strongly against a purely compromise measure like the exchange of cards.

This objection is partly eliminated by another remedy proposed, that is, to compel workmen engaged upon disputed tasks to become members of both unions claiming the work in question. This plan was used to some extent to bring to an end disputes between the Stone Cutters and the Bricklayers in Washington. Men who were competent to do stone cutting and stone setting joined both unions, paying initiation fees and dues to each, and were then permitted to work at either trade.[35] A dispute between the Sheet Metal Workers and the Slate and Tile Roofers was settled by having the members of the Sheet Metal Workers take out membership cards in the Slate and Tile Roofers' Union when they wanted to do the particular work involved in the dispute.[36] In Denver the Slate and Tile Roofers had an agreement with the Composition Roofers that members of the former should be permitted to join the latter without paying any initiation fee, though they would afterwards have to pay the regular dues.[37]

The chief defect of this plan is that it is too expensive for the workman to pay dues, and in some cases initiation fees, to two unions, merely to acquire the right to do occasional work outside of his own immediate trade. A second defect is that some unions are reluctant to admit to membership any workman, however competent he may be, who has not complied with their apprenticeship requirements.

Besides the specific objections noted to the various remedies, there remains the general criticism that the application of any of these remedies involves vexatious and often serious

[35] Interview, Secretary McHugh of the Stone Cutters, June, 1911.
[36] Amalgamated Sheet Metal Workers' Journal, May, 1908, p. 183.
[37] Proceedings, Slate and Tile Roofers, 1906, p. 14.

delays. According to the rules of the Building Trades Department, neither the Department nor its executive council can consider a dispute unless the two unions have first held a conference and tried to settle it. Frequently the executive council refers it back again to the unions to try to settle, and again it may be returned to the council, and then be referred by them to the following convention of the Building Trades Department, which may be some months distant. In the meantime the work may be tied up, or the men to whom the work belongs, or to whom it is finally awarded, may be idle; when the decision is finally given in their favor, they may find the work completed.

In Vancouver a dispute arose between the Stone Cutters and the Granite Cutters over the control of "Haddington Island stone." After repeated efforts to have the conflict adjusted, the local union of Stone Cutters complained of the delay. "We are amazed," they said, "that the matter has been delayed till the end of August, as we have men walking the streets. . . . It is a simple matter to decide whether material is stone or granite. . . . The matter has been before the Building Trades Department for the last fourteen weeks, and we think a decision should be rendered immediately." This did not hurry the settlement, however, for President Short of the Department failed to bring about an agreement when he visited the locality, and referred the matter to the Building Trades Department convention, held the latter part of November. The convention made no definite decision, merely recommending that the two unions work in harmony, and that where granite cutters' tools were used the work should be done by Granite Cutters, and where stone cutters' tools were used it should be done by Stone Cutters. The specific question involved was left unsettled, and was referred to a conference of the stone trades, for which no date was set.[38]

From this review of the various remedies for jurisdic-

[38] Proceedings, Building Trades Department, 1912, pp. 45, 137.

tional contests, the general conclusion may be safely reached that although each of them has been successful in a few isolated cases, none of them nor all of them together are of general availability.

We turn now to the consideration of the possibility of finding one or more preventives of jurisdictional disputes. This search will disclose certain positive measures either actually in force or suggested, which are designed to prevent jurisdictional conflicts or to lessen the evils involved. Moreover—and this is even more important—it will be found also that there are certain developments and tendencies within the ranks of labor itself which promise eventually to reduce the evils of jurisdictional controversies.

One of the earliest steps in the direction of the prevention of disputes was the sensible requirement of the American Federation of Labor[39] that the jurisdiction claims of the various affiliated unions be listed in full and filed at its office. The National Building Trades Council, which followed the same plan, made the following optimistic prophecy: "The system of jurisdictional statement of work, as enforced by the National Building Trades Council, will bring about a cessation of internecine strife among building trades."[40] The Building Trades Department requires that "each affiliated organization shall be required to submit a written statement covering the extent and character of its trade jurisdiction, and when allowed by the executive council and approved by the general convention, no encroachment by other trades will be countenanced or tolerated."[41] A new application of this idea was the insertion of

[39] The Steam Fitter, March, 1903, p. 5.

[40] Pamphlet on National Building Trades Council, p. 8.

[41] Constitution, 1909, sec. 28, p. 9. The next section provides the machinery for final registration of work: "On receipt of a claim of jurisdiction, the Secretary-Treasurer shall send a copy of the same to affiliated organizations. Should a conflict in jurisdiction occur, the parties in interest shall hold a joint conference within ninety days, and endeavor to adjust their differences, and if no adjustment has been reached within the prescribed time, the dis-

a clause defining the work of each craft as part of an agreement of the Sheet Metal Workers with the International and Great Northern Railroad Company in regard to wages and hours.[42] The importance of a clear and full statement of jurisdiction claims was discussed in an earlier chapter,[43] and while it is needless to say that the mere registration of such claims will not prevent all disputes, nevertheless it is certain that such official record has prevented many conflicts from arising.

Another preventive measure suggested is to have all labor organizations agree that they will under no circumstances participate in sympathetic strikes arising over jurisdiction conflicts. If this plan were adopted, disputes would not be avoided, but the evils flowing from them would be very largely eliminated. If sympathetic strikes could be avoided, employers would not care very much if union men quarreled among themselves. Accordingly they seek at every opportunity to have the unionists agree that they will not indulge in such movements. At a conference held in March, 1903, between the National Association of Marble Dealers and the International Association of Marble Workers a working agreement was drawn up in which it was declared that no sympathetic strikes or lockouts should occur.[44] The contractor for the Emerson Building, Baltimore, in giving out the work, tried to get the various trades to sign an agreement saying that they would not go out on sympathetic strikes.[45] It is curious to notice that some opposition to the use of the sympathetic strike comes also from the Building Trades Department. The reason for this is that such strikes are likely to disrupt the local councils of the De-

puted points shall be referred to the next convention of this Department for a decision, and their award shall be binding upon all affiliated organizations."

[42] Amalgamated Sheet Metal Workers' Journal, March, 1910, p. 88.

[43] Chapter II.

[44] Pamphlet dealing with the Conference, p. 2.

[45] Oral statement made at meeting of Baltimore Federation of Labor, December 14, 1910.

partment. Thus President Kirby of the Building Trades Department said in 1909: "While we can not for one moment surrender our right to take sympathetic action where a sister organization is in peril, yet ofttimes Building Trades Councils are prone to hasty action unnecessarily, on the theory that quick work must be done, otherwise the job may be completed. Admitting that on small buildings this may be true, I am of the opinion that it would be better to complete the job on which any contention may arise . . . than to endanger the existence of the Council."[46]

Undoubtedly, if sympathetic strikes could be eliminated, the great weapon by which jurisdictional strife is made most damaging would be destroyed, and a long step would be taken in the direction of preventing such contests. But while unionists in general might look with favor upon the abstract proposition of eliminating sympathetic strikes as a weapon in jurisdictional disputes, most of them would pause before consenting to give up for their own association the right to call a sympathetic strike. The situation is analogous to that existing in regard to the scheme of international disarmament: nearly all nations are nominally in favor of the plan, but none of them will be the first to disarm.

Another plan which employers sometimes advocate as a preventive for such controversies is that trade lines be disregarded and they be permitted to hire for each task the men who can do it best.[47] This, however, amounts merely to a request on the part of employers that trade unionists shall cease to quarrel over jurisdiction. Besides resting upon the erroneous assumption that the men in a particular trade are not, in most cases, more competent to perform the work pertaining to that trade than men outside of the trade, this scheme fails because trade unionists will not allow trade lines to be disregarded. If they should consent to this, there would be nothing to prevent the employer from

[46] Proceedings, 1909, p. 9.

[47] Webb, vol. ii, p. 519.

gradually displacing his more highly paid men by men earning lower wages, and collective bargaining would be impossible.

Sidney and Beatrice Webb suggest a preventive measure in their "Industrial Democracy." This is based upon a federation of trades which amounts to limited industrial unionism.[48] Such a form of organization having been accomplished, "it is admitted that, within the limits of a single trade and a single union, it is for the employer, and the employer alone, to decide which individual workman he will engage, and upon which particular jobs he will employ him. What each trade union asks is that the recognized standard rate for the particular work in question shall be maintained and defended against possible encroachment. If the same conception were extended to the whole group of allied trades, any employer might be left free, within the wide circle of the federated unions, to employ whichever man he pleased on the disputed process, so long as he paid him the standard rate agreed upon for the particular task. The federated trade unions, instead of vainly trying to settle to which trade a task rightfully belongs, should, in fact, confine themselves to determining in consultation with the associated employers, at what rate it should be paid for. . . . Once the special rate for the disputed process was authoritatively determined, the individual employer might engage any workman he pleased at that rate. . . . The trade unionists, on the other hand, would secure their fundamental principle of maintaining the standard rate."[49]

This plan assumes that jurisdictional disputes are caused by differences in wages between unions which seek to do the same piece of work, and that if a definite rate for each

[48] "The solution of the problem is to be found in a form of organization which secures Home Rule [or autonomy] for any group possessing interests divergent from those of the industry as a whole, whilst at the same time maintaining effective combination throughout the entire industry for the promotion of the interests which are common to all the sections" (vol. i, p. 123).

[49] Ibid., vol. ii, p. 523 ff.

task is established there will be no conflict. But jurisdictional contests are not caused merely by differences in wages. They are caused by the efforts of two or more unions to gain for their own members control over the work in question. In the case of two organizations whose standard rates are approximately the same the remedy proposed may be said already to exist, yet the disputes between them continue. For example, the standard wage of the Carpenters and of the Sheet Metal Workers differs very slightly, and in some sections not at all, nevertheless there is continual quarreling between them as to which union is entitled to the work of erecting metal trim. The same thing is true of the Steam Fitters and the Plumbers and of the Granite Cutters and the Stone Cutters. A union has two main purposes: to keep its members employed as regularly as possible, and to have them remunerated at the highest possible rate while they are working.

This proposal would not meet the objection on the part of the union that all trespassers on its jurisdiction are taking away just so much work from its members. Imagine an employer, about to hire men to put up hollow metal doors, going to the office of the Carpenters and saying, "I am going to employ Sheet Metal Workers to do this work, but I know you will not object, since I am paying them at the same rate at which I would pay your men!" Or let us suppose that all the workmen in the building industry were organized into a building workmen's union, and that after a series of conferences the standard rate for each craft were established. Then let us assume the sudden introduction of concrete for building purposes. A standard rate for this new work must be established, but obviously, since the work of mixing and filling in concrete is mainly unskilled labor, the rate agreed upon cannot be much higher than that for unskilled labor. However, this material, since it displaces brick and stone for building purposes, gives to a low-wage group among the building workmen a great deal of work which was formerly done by a very high-wage group. Of

course, society will profit in the long run by this substitution of cheaper material, but for the generation of bricklayers and masons displaced entirely or compelled to work for this lower wage the innovation is an evil to be vigorously resisted. Each workman seeks first of all his own steady employment, and will oppose any scheme that makes it easy to dislodge him.

Were it only a matter of maintaining or raising the rate of pay for a particular class of work, there ought never to be any jurisdictional disputes between unions getting different rates of pay, for as soon as a piece of work came into dispute, the union getting the lower rate, if it were intent upon having such labor paid for at as high a rate as possible, would immediately withdraw in favor of the men receiving the higher pay, and there would be no dispute. Under such a scheme a strong union like the Carpenters, whose members obtain a higher rate of pay than prevails in some of the other building trades, might push out its lines of jurisdiction to encompass all those crafts whose members receive smaller compensation. The latter could logically offer no resistance. If the wage scale were again gradually advanced so that it exceeded the rate paid in a few other unions in the building industry, new raids could be made upon the jurisdiction of these more poorly paid unions. Even though in many jurisdictional conflicts the participants are working under different standard rates, this fact does not deter the men getting the smaller rate from opposing with all their strength the aggressions of the more highly paid workmen. Therefore, it is clear that any plan for eliminating jurisdictional disputes must provide not only for the maintenance of the standard rate, but also for the awarding to each group of workmen of the same tasks to which they have been accustomed, or an equivalent.

While the measures proposed, both remedial and preventive, offer little prospect of any great immediate reduction in the evils of jurisdictional disputes, the future is not without promise that the evils of jurisdictional controversies

will be much lessened by certain developments and tendencies within the unions themselves. The first of these is the strengthening of the national union.[50] As was shown earlier,[51] there is a tendency toward the strengthening of the national union as against all subordinate or minor forms of organization. The organizing of the men in a trade is done now mainly by organizers attached to the central office; new local unions are created by charter from the national union; wage scales, agreements, strikes, and local rules are subject to the scrutiny and approval of the national officers. Heretofore, jurisdictional disputes have been increased in number and rendered more difficult of settlement because of the interference therein of local building-trades councils and city federations. Such local associations have ordered sympathetic strikes to enforce the jurisdiction claim of one union as against another, and these have involved, at one time or another, local branches of all the building trades. Furthermore, in their attempts to adjust these demarcation conflicts according to local conditions, the local councils have rendered decisions which varied widely from place to place and which the national unions of the trades involved were not willing to sanction. This lack of uniformity has, in the past, been very confusing. The tendency now is to take these matters entirely out of the hands of the local councils and bring them under the control of the national unions.

The central labor organizations in various localities have also augmented jurisdictional disputes by the creation of dual unions, but since its organization the Building Trades Department has sought, through the national unions affiliated with it, to bring such pressure to bear on these local federations as to prevent them from recognizing in any manner a dual association. The national unions in the building trades have not yet developed sufficient control

[50] It will be remembered that the term "national union" is used throughout this monograph to cover also those associations which style themselves "international unions."

[51] Chapter I.

over their local branches to make these efforts always successful, but the tendency is toward greater central control. The dominance of the national union is expressly recognized by the Building Trades Department and by the American Federation of Labor. The constitution of the latter provides as follows: "No central labor union, or any other central body of delegates, shall admit to or retain in their councils delegates from any local organization that owes its allegiance to any other body, national or international, hostile to any affiliated organization, or that has been suspended or expelled by, or is not connected with, a national or international organization of their trade herein affiliated, under penalty of having their charter revoked." This rule, while not fully effective, does undoubtedly aid the national unions in preventing the organization of dual unions.[52] The centralization of the national union in itself operates to prevent the formation and growth of independent or dual unions in the same trade or territory, and, at the same time, this position of dominance, by tending toward a clear and uniform statement of jurisdiction claims, diminishes demarcation disputes.

Another development which promises to restrict the number and the evil effects of interunion quarrels is the tendency toward industrial unionism. This tendency, however, will be retarded by the same obstacles which were discussed in connection with the Webb plan. Any form of industrial union, to be effective in preventing jurisdictional disputes, must to a great extent eliminate trade lines, and therefore as long as unions insist on drawing rigid lines of jurisdiction for the purpose of retaining for their own particular group all of a certain class of work, we cannot expect industrial unionism to make much progress. But there is evidence that this attitude of the trade unionists

[52] For an elaborate discussion of the pressure thus exerted against dual unions, see G. E. Barnett, "The Dominance of the National Labor Union in American Labor Organization," in Quarterly Journal of Economics, vol. xxvii, no. 3.

is changing, and therefore we may look for this trend toward the industrial union to continue. By the industrial union we do not mean such a form of organization as the Industrial Workers of the World seek to bring about, but an industrial unionism based on pragmatic considerations. It is becoming evident that the labor organization of the future will be partly trade union and partly industrial union. In some cases the organization will be a limited form of industrial union, under which, within the industry, trade lines will be more or less definitely marked. In other cases there will be an entire elimination of craft distinctions. Since, however, the change will come about as a result of development, the form will probably be a compromise between the two forms of organization.

The American Federation of Labor, founded on the creed that organization should be effected according to trade, early took a stand against industrialism. President Gompers, at the convention of 1903 of the Federation of Labor, said: "The attempt to force the trade unions into what has been termed industrial organization is perversive of the history of the labor movement, runs counter to the best conceptions of the toilers' interests now, and is sure to lead to the confusion which precedes dissolution and disruption. . . . It is time . . . to stem the tide of expansion madness. . . . The advocates of the so-called industrial union urge that an effective strike can only be conducted when all workmen, regardless of trade or occupation, are affected But this theory is easily disproved by an examination of the history of strikes."[53] Though this opposition has never disappeared, the Federation as represented by its officers has reluctantly gone along with the sweep of the tide. At the Scranton convention a committee, composed of Messrs. Gompers, Duncan, Mitchell, Mulholland, and Hughes, reported as follows: "Your special committee appointed to consider the question of the autonomy of the trade unions, beg leave to say

[53] Proceedings, 1903, p. 19.

that it is our judgment the future success, permanency and safety of the American Federation of Labor, as well as the trade unions themselves, depend upon the recognition and application of the principle of autonomy, consistent with the varying phases and transactions in industry."[54] The committee then recommended that in those industries which are isolated from thickly populated centers and in which most of the separate trades represent only a small proportion of the total number engaged in the industry, jurisdiction be exercised over all the trades by the paramount organization.

In attempting to determine so intangible a thing as the tendency of an institution one can rarely base an opinion upon categorical statement or direct evidence, but must lay hold of straws. Such a clue is found in an incident of the convention of 1909 of the Marble Workers which suggests a tendency toward limited industrialism or a closer affiliation of closely related trades. President Gompers, addressing the delegates, said: "I do hope that the time is not far distant when the men engaged in the stone trades will become one powerful organization. If not a complete amalgamation, there should be an identity of interest and a thorough understanding, in which one organization would assist the other." President Evans of the Stone Cutters also spoke in the same vein, and these sentiments were approved by President Price of the Marble Workers and by the convention.[55] In 1907 the president of the Marble Workers reported having attended in Buffalo a conference between the Stone Cutters, Granite Cutters, Marble Workers, and Bricklayers for the purpose of drawing up agreements between the various trades.[56]

When the jurisdictional controversy between the Brewery Workmen on the one hand and the Engineers, Firemen, Machinists, Teamsters, and so forth, on the other was

[54] Proceedings, 1904, p. 36, and appendix.
[55] The Marble Worker, June, 1909, p. 124.
[56] Ibid., February, 1907, p. 6.

before the convention of the Federation,[57] it was decided that the interests of these various workmen would be best promoted by having one general union. When the same question came up with regard to the membership in the Mine Workers of the blacksmiths and firemen about the mines, a committee of the Federation said: "In rendering a decision on this resolution, we must reaffirm our adherence to the broader conception of trade autonomy, already expressed, as applied to such cases, and in the light of . . . the necessity for solidarity among the laborers employed in and about the mines, we are of the opinion that jurisdiction over the blacksmiths and firemen employed about the mines should be vested in the United Mine Workers of America." The Plumbers' Association, in its claim to cover the whole pipe-fitting industry, is a limited industrial union. The United Brotherhood of Carpenters is rapidly becoming an industrial union.

It was the policy of the Knights of Labor to sink the individuality of the various trades in local associations including all workmen. Under the system of organization originally fostered and represented by the American Federation of Labor the pendulum swung to the other extreme. Under this plan trade groups are divided and subdivided until, as in some of the building-trades unions, each division of labor is organized as a separate union. Just as the older system was too comprehensive and too unwieldy to meet satisfactorily the needs of the individual workman, so the later form of organization has been both too complex and too minute to bring about such unity of action and harmony of feeling as is necessary to produce the best results, not only for the unionists themselves, but for society as a whole.

Signs are not wanting to prove that the pendulum has already started on its return swing. What other interpretation can be placed on the admission to the American Federation of Labor of such industrial unions as the United Mine Workers and the Western Federation of Miners, in which

[57] Proceedings, 1900, pp. 185, 192.

trade lines are obliterated, and of the Brewery Workmen, an industrial association with a certain regard for craft lines, and on the attempts to consolidate the carpenters' and wood workers' organizations, and to bring about an amalgamation of all the pipe-fitting trades? The Federation apparently is rapidly shifting its position. It has admitted industrial unions, though its president and other officials have frequently declared themselves in opposition to the principle of industrial unionism, and it has permitted the growth of the Building Trades and Metal Trades Departments.

This unmistakable trend toward industrialism[58] or, at least, toward a closer federation of trades seems to forecast a great reduction in the number of demarcation disputes, and ultimately their possible elimination. As a result of the formation of industrial unions, lines of division between specialized trades will be broken down. When this has come about, there will be few disputes over the right to a trade, and these will be internal.

Trade unionists themselves expect much, in the way of preventing jurisdictional controversies, from a gradual change in the attitude of the workmen toward each other. Secretary Brandt of the Wood, Wire and Metal Lathers' Union, while not an advocate of industrial unionism, believes that the growth of a more friendly feeling among the unions will gradually eliminate disputes.[59] Treasurer Lennon of the American Federation of Labor said at the convention of 1903 of the Federation: "Time, which settles all questions, will settle this one of jurisdiction, and the workers of our continent will in time discover where their interests will be best served, and they will decide finally to what jurisdiction they belong. . . . Time, coupled with forbearance and patience, it appears to me, are the only reasonable solutions of this great question."[60] A few years later President Kirby of the Building Trades said: "So it is up

[58] Blum, p. 447.

[59] Interview, Secretary Brandt, July, 1912.

[60] Proceedings, 1903, p. 59.

to us to endeavor to harmonize these conflicting interests as much as possible. . . . It may not be accomplished this time, but sooner than some of us may believe possible, the trade dispute will be minimized to such an extent that it will not longer be a menace and curse to both the employer and employee."[61]

To sum up: Although, for the reasons given, none of the remedies for jurisdictional disputes—conference and agreement, arbitration, amalgamation, exchange of working cards, and membership in both of the unions claiming the work—can be regarded as of general applicability, each is still used and is likely to continue in use, and will undoubtedly in some cases produce the desired result. As for the suggestions for the prevention of jurisdictional conflicts, though here again no one plan can be relied upon to prevent all controversies, each would effect something. Of such preventive measures the most valuable would be the abolition of the sympathetic strike on questions of jurisdiction. This, it is possible, the unions may put into execution when they realize more fully the literally incalculable cost of jurisdictional disputes, a great part of which falls upon organized labor. If all the building-trades unions would agree that under no circumstances would they participate in a sympathetic strike on account of a jurisdictional contest between two or more of their associations, the contractors could employ whichever group of the men they regarded as best fitted for the work, and the employment of the other trades would not be interrupted. The union which lost the work could do nothing but submit, for it would have no means of resisting. Labor leaders in various cities claim that there is a growing sentiment in favor of the abolition of sympathetic strikes on questions of jurisdiction. To make this effective it may be necessary to require the deposit of bonds by both the employers and the unions, so that, an agreement as to the proposed distribution of the work having been made before the building operation is begun, the work-

[61] Building Trades Conference, 1908, p. 10.

men should by these bonds guarantee the employers against losses due to sympathetic strikes over questions of jurisdiction, while the employers should bind themselves to protect the workmen from loss of employment on account of changes in the award of work in violation of the agreement. A plan somewhat of this nature was adopted in Chicago during July, 1913, to bring to an end a lockout which had involved for a month twenty-eight thousand men and thirty million dollars worth of building construction. If the unions themselves fail to adopt some sort of a plan, there might be established by legal enactment machinery somewhat similar to that provided by the Erdman Act which would compel arbitration of all sympathetic strikes arising over questions of jurisdiction.

Finally, the recognized heads of the labor movement among the building trades—the American Federation of Labor and the Building Trades Department—can do a great deal to diminish conflicts over jurisdiction if they consistently refuse to charter or in any way recognize new unions whose field of work approaches even moderately close to organizations already in existence. The position must be taken that there are certain basic trades and that each new division of labor is but a constituent part of one of these trades and is not entitled to recognition as a separate union, for otherwise, as the division of labor goes on, disputes will be increased instead of diminished.

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